



Journal of the Senate

Number 36

Monday, May 30, 1977

The Senate was called to order by the President at 10:30 a.m. A quorum present—38:

Mr. President	Gorman	Peterson	Thomas, Pat
Barron	Graham	Plante	Tobiassen
Castor	Hair	Poston	Trask
Chamberlin	Henderson	Renick	Vogt
Childers, Don	Holloway	Sayler	Ware
Childers, W. D.	Johnston	Scarborough	Williamson
Dunn	Lewis	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Gallen	McClain	Spicola	
Glisson	Myers	Thomas, Jon	

Excused: Senator Wilson for the morning session; Senators Lewis, W. D. Childers, Peterson, Plante, Hair, Myers, Barron, Sayler, Gallen, Spicola and Poston periodically for the purpose of working on conference committee reports; Senator Gordon.

Prayer by Brother Clarence Gray, Pastor, Calvary Tabernacle, Tallahassee:

Dear Jesus, we come to you now in prayer. Almost two thousand years ago in a confrontation between you and Pilate, he asked the question, "What is truth?" Let us ask ourselves today in this Senate chamber, "What is truth?" Let us search our hearts and the avenues of our souls for "What is truth?" for the many decisions to be made today, the many convictions of hearts here today, let us go back in our minds, two thousand years ago, and ask ourselves "What is truth?" Let us be true and have the righteousness and love of God in our hearts to understand and make the right decisions. Help us to stand and to understand that we have "truth" because our Lord and Saviour said, "I am the way, the truth and the life". We are "truth" so let us well represent what truth is today in our country. In the name of the Lord, Jesus Christ, we pray. Amen.

The Senate pledged allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Monday, May 30, 1977:

SB 852	CS for SB 1131	HB 575	SB 1427
SB 658	CS for SB 773	HB 1035	CS for SB
SB 1296	SB 1176	HB 1036	1175
SB 888	SB 900	HB 1531	SB 1097
SB 137	SB 1140	CS for SB 58	SB 1163
SB 782	SB 885	CS for SB 524	SB 1234
CS for SB 301	CS for SB 109	SB 629	SB 395
SB 1213	SB 1298	SB 1238	SB 1237
SB 1219	SB 1360	SB 920	SB 401
SB 1093	HB 300	SB 1120	SB 587

Respectfully submitted,
Tom Gallen, Chairman

The Committee on Appropriations recommends a Committee Substitute for the following: SB 1346

The bill with Committee Substitute attached was placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

The Committee on Commerce requests an extension of 5 days for consideration of the following:

SB 1190 by Senator Ware	SB 310 by Senator Henderson
SB 1199 by Senators Winn, Gordon, Graham, et al	SB 387 by Senator Holloway
SB 1216 by Senators Williamson, Plante	SB 391 by Senator Gordon
SB 1217 by Senator Gallen	SB 399 by Senator Lewis
SB 1222 by Senator Williamson	SB 417 by Senator Vogt
SB 1223 by Senator Williamson	SB 419 by Senator Scarborough
CS for SB 983 by Natural Resources and Conservation Committee and Senator Renick	SB 420 by Senator Scarborough
SB 7 by Senator D. Childers	SB 430 by Senator Spicola
SB 49 by Senator Winn	SB 463 by Senator Plante
SB 57 by Senator Spicola	SB 469 by Senator Jon Thomas
SB 104 by Senators Myers, Gordon	SB 472 by Senator Henderson
SB 124 by Senator Dunn	SB 476 by Senators MacKay, Barron
SB 135 by Senator Pat Thomas	SB 490 by Senators Lewis, Hair
SB 186 by Senator Jon Thomas	SB 510 by Senator Henderson
SB 187 by Senator Jon Thomas	SB 514 by Senator Scott
SB 188 by Senator Jon Thomas	SB 538 by Senator Pat Thomas
SB 207 by Senator Sayler	SB 539 by Senators Myers, Renick
SB 231 by Senator Firestone	SB 142 by Senator Henderson
SB 248 by Senator Hair	SB 779 by Senator Jon Thomas
SB 302 by Senator Glisson	SB 1255 by Senator William-son
SB 307 by Senator Lewis	SB 1265 by Senator Gordon
	SB 1267 by Senator Gordon
	SB 1274 by Senator Peterson

The Committee on Natural Resources and Conservation requests an extension of 10 days for consideration of the following:

SB 140 by Senator Henderson	SB 1278 by Senator Scott
SJR 362 by Senators Henderson and Jon Thomas	SB 1315 by Senator Scarborough
SB 801 by Senator Lewis	SB 1320 by Senator Spicola
SB 908 by Senator Graham	SB 1339 by Senator Spicola
	SB 1436 by Senator Barron
	SB 102 by Senator Sayler and others

By permission Senator Renick was recorded as voting yea on the passage of the following bills on May 27: House Bills 1573, 1578, 1579, 1580, 1584, 1586, 1588, 1589, 1574, 1575, 1577, 1585, and Senate Bills 1479, 1483 and 1478.

By permission Senator McClain was recorded as voting nay on the passage of SB 1482 on May 27.

By permission Senator Peterson was recorded as voting yea on the passage of the following bills on May 27: Senate Bills 358, 26, 778, 212, 891 and 13.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointment Subject to Confirmation by the Senate

The Secretary of State on May 27, 1977 certified that pursuant to the provisions of Section 112.071(1)(b), Florida Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

Lorenzo E. Coffie, New Port Richey; Member, Board of Trustees of the Pasco-Hernando Community College, for term ending May 31, 1979

—which was referred to the Committee on Executive Business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 937.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

CS for SB 53 SB 210 CS for SB 394

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 342.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 541 SB 596 SB 906 SB 849

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 414 SB 508 SB 408 SB 389

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 500 SB 221 SB 489

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House amendments 1 and 5 and passed SB 56, as further amended.

Allen Morris, Clerk

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended—

HB 400 HB 887 HB 1108

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1213 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Morgan—

HB 1213—A bill to be entitled An act relating to public officers and employees; amending s. 112.061, Florida Statutes, 1976 Supplement, to provide for \$35 per diem for employees and authorized persons traveling in order to conduct state business; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Johnston—

SB 127—A bill to be entitled An act relating to final process; amending s. 56.21, Florida Statutes; requiring a copy of the notice of sale under execution to be furnished by certified mail to the judgment debtor's attorney of record or to the judgment debtor if he does not have an attorney of record; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 12, insert: Section 1. Section 55.10, Florida Statutes, is amended to read:

55.10 Judgments and decrees; lien of all, generally; transfer of liens of security—

(1) A judgment or decree becomes a lien on real estate in any county when a certified copy of it is recorded in the official records or judgment lien record of the county, whichever is maintained at the time of recordation.

(2) Any lien claimed under subsection (1) of this section may be transferred, by any person having an interest in the real property upon which the lien is imposed or the contract under which the lien is claimed, from such real property to other security by either:

(a) Depositing in the clerk's office a sum of money, or

(b) Filing in the clerk's office a bond executed as surety by a surety insurer licensed to do business in this state, either to be in an amount equal to the amount demanded in such claim of lien plus interest thereon at 6 percent per year for 3 years plus \$100 to apply on any court costs which may be taxed in any proceeding to enforce said lien. Such deposit or bond shall be conditioned to pay any judgment or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded and costs not to exceed \$100. Upon making such deposit or filing such bond the clerk shall make and record a certificate showing the transfer of the lien from the real property to the security and mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred at the address stated therein. Upon filing the certificate of transfer the real property shall thereupon be released from the lien claimed and such lien shall be transferred to said security. The clerk shall be entitled to a fee for making and serving the certificate in the sum of \$2. Any number of liens may be transferred to one such security.

(3) Any excess of the security over the aggregate amount of any judgments or decrees rendered plus costs actually taxed shall be repaid to the party filing the same or his successor in interest. Any deposit of money shall be considered as paid into court and shall be subject to the provisions of law relative to payments of money into court and the disposition of same.

(4) Any party having an interest in such security or the property from which the lien was transferred may at any time, and any number of times, file a complaint in chancery in the circuit court of the county where such security is deposited for

an order to require additional security, reduction of security, change or substitution of sureties, payment or discharge thereof or any other matter affecting said security.

and renumber subsequent sections

Amendment 2—On page 1 in title, line 2, insert: amending s. 55.10, Florida Statutes, relating to the recording of judgments and decrees; providing for the transfer of liens to security;

On motions by Senator Johnston, the Senate concurred in the House Amendments.

SB 127 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hair	Poston	Trask
Castor	Henderson	Renick	Vogt
Chamberlin	Holloway	Scarborough	Ware
Childers, Don	Johnston	Scott	Williamson
Childers, W. D.	Lewis	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Thomas, Jon	
Glisson	Myers	Thomas, Pat	
Gorman	Peterson	Tobiassen	

Nays—None

Vote after roll call:

Yea—Graham

On motion by Senator Johnston, the Senate reconsidered the vote by which SB 127 passed.

On motion by Senator Johnston, the Senate reconsidered the vote by which the Senate concurred in House Amendment 1.

Senator Johnston moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 1, line 3, after the word “under” insert: subsection (4)

On motion by Senator Johnston, the Senate concurred in House Amendment 1 as amended by the Senate amendment and the House was requested to concur.

SB 127 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Glisson	McClain	Thomas, Pat
Barron	Gorman	Plante	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Saylor	Ware
Childers, W. D.	Holloway	Scarborough	Wilson
Dunn	Johnston	Skinner	Winn
Firestone	Lewis	Spicola	Zinkil
Gallen	MacKay	Thomas, Jon	

Nays—None

Vote after roll call:

Yea—Peterson

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator Castor—

SB 647—A bill to be entitled An act relating to the labeling of human blood; creating ss. 381.601-381.607, Florida Statutes; providing definitions; requiring the labeling of blood; providing for the transfer of blood for industrial use; providing for administration by the Department of Health and Rehabilitative

Services; providing penalties; providing for injunctive relief; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 7, strike “in any form”

On motion by Senator Castor, the Senate concurred in the House Amendment.

SB 647 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gorman	Myers	Thomas, Pat
Castor	Hair	Peterson	Tobiassen
Chamberlin	Henderson	Poston	Trask
Childers, Don	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Dunn	Lewis	Scott	Williamson
Firestone	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Nays—None

Vote after roll call:

Yea—Graham

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Myers and others—

SB 94—A bill to be entitled An act relating to condominiums and cooperatives; creating ss. 718.122—718.124 and 719.109—719.111, Florida Statutes; prohibiting infringement upon right of owners to peaceably assemble at reasonable times and in a reasonable manner on common elements, common areas or recreational facilities; prohibiting infringement upon right of owner to invite public officers or candidates for public office to appear and speak on common elements, common areas or recreational facilities at reasonable times and in a reasonable manner; providing for injunction upon the application of an aggrieved owner; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 1, line 19, strike remainder of bill and insert the following:

Section 1. Sections 718.122 and 718.123, Florida Statutes, are created to read:

718.122 Right of owners to peaceably assemble.—All common elements, common areas, and recreational facilities serving any condominium shall be reserved exclusively for the use and benefit of the unit owners and their invited guests. Each association shall adopt reasonable rules and regulations pertaining to the use of such common elements, common areas, and recreational facilities. The use of such common elements, common areas, and recreational facilities shall be subject only to those rules and regulations as adopted by the association, provided that such rules and regulations shall not unreasonably restrict any unit owner's right to peaceably assemble or right to invite public officers or candidates for public office to appear and speak on common elements, common areas, and recreational facilities.

718.123 Injunction.—Any owner prevented from exercising rights guaranteed by s. 718.122 may bring an action in the appropriate court of the county in which the alleged infringement occurred, and upon favorable adjudication the court shall enjoin the enforcement of any provision contained in any condominium document or rule which operates to deprive the owner of such rights.

Section 2. Sections 719.109 and 719.110, Florida Statutes, are created to read:

719.109 Right of owners to peaceably assemble.—All common elements, common areas, and recreational facilities serving any cooperative shall be reserved exclusively for the use and benefit of the unit owners and their invited guests. Each association shall adopt reasonable rules and regulations pertaining to the use of such common elements, common areas, and recreational facilities. The use of such common elements, common areas, and recreational facilities shall be subject only to those rules and regulations as adopted by the association, provided that such rules and regulations shall not unreasonably restrict any unit owner's right to peaceably assemble or right to invite public officers or candidates for public office to appear and speak on common elements, common areas, and recreational facilities.

719.110 Injunction.—Any owner prevented from exercising rights guaranteed by s. 719.109 may bring an action in the appropriate court of the county in which the alleged infringement occurred, and upon favorable adjudication the court shall enjoin the enforcement of any provision contained in any cooperative document or rule which operates to deprive the owner of such rights.

Section 3. Section 718.112, Florida Statutes, is amended to read:

(2) The bylaws shall provide for the following, and if they do not do so, shall be deemed to include the following:

(b) *Unless otherwise provided in the bylaws, the* The percentage of unit owners or voting rights required to make decisions and to constitute a quorum shall be a majority of the units ~~constitute a quorum~~, and decisions shall be made by owners of a majority of the units represented at a meeting at which a quorum is present. Unit owners may vote proxy.

Section 4. Paragraph (d) of subsection (2) of section 718.112, Florida Statutes, 1976 Supplement is amended to read:

718.112 Bylaws.—

(2) The bylaws shall provide for the following, and if they do not do so, shall be deemed to include the following:

(d) There shall be an annual meeting of the unit owners. Unless the bylaws provide otherwise, vacancies on the board of administration caused by the expiration of a director's term shall be filled by electing new board members. If there is no provision in the bylaws for terms of the members of the board of administration the terms of all members of the board of administration shall expire upon the election of their successors at the annual meeting. The bylaws shall not restrict any unit owner desiring to be a candidate for board membership from being nominated from the floor. The bylaws shall provide the method of calling meetings of unit owners, including annual meetings. Written notice shall be given to each unit owner and shall be posted in a conspicuous place on the condominium property at least 14 days prior to the annual meeting. Unless a unit owner waives in writing the right to receive notice of the annual meeting by ~~certified~~ mail, the notice of the annual meeting shall be sent by ~~certified~~ mail to each unit owner *and the post office certificate of mailing shall be retained as proof of such mailing*. Unit owners may waive notice of specific meetings and may take action by written agreement without meetings, if allowed by the bylaws, the declaration of condominium, or any Florida statute.

Section 5. Subsection (2) of section 718.119, Florida Statutes, 1976 Supplement, is amended to read:

718.119 Limitation of liability.—

(2) The owner of a unit may be personally liable for the acts or omissions of the association in relation to the use of the common elements, but only to the extent of his pro rata share of that liability in the same percentage as his interest in the common elements, *and then in no case shall that liability exceed the value of his unit*.

Section 6. Subsection (4) of section 718.110, Florida Statutes, 1976 Supplement, is amended and subsection (7) is added to said section to read:

718.110 Amendment of declaration.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or

size of any condominium unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the owner of the parcel shares the common expenses and owns the common surplus unless the record owner of the unit and all record owners of liens on it join in the execution of the amendment *and unless all the record owners of all other units approve the amendment*.

(7) *The declarations, bylaws and common elements of two or more independent condominiums of a single complex may be merged to form a single condominium upon the approval of 80 percent of all the unit owners of each condominium and of all record owners of liens and upon the recording of new or amended articles of incorporation, declaration, and bylaws.*

Section 7. Subsection (9) is added to section 718.116, Florida Statutes, 1976 Supplement, to read:

718.116 Assessments; liabilities; lien and priority; interest collection.—

(9) *Any unit owner shall have the right to require from the association a certificate showing the amount of unpaid assessments against him with respect to his condominium parcel. The holder of a mortgage or other lien shall have the same right as to any condominium parcel upon which he has a lien. Any person other than the owner who relies upon such certificate shall be protected thereby.*

Section 8. Subsection (6) of section 718.203, Florida Statutes, 1976 Supplement, is amended to read:

(Substantial rewording of subsection. See s. 718.203(6), F.S., 1976 Supplement, for present text.)

718.203 Warranties.—

(6) This section shall not apply to residential condominiums which are covered by an insured warranty program underwritten by a licensed insurance company registered in Florida and approved for said warranty program by the Department of Insurance. Said warranty shall be for no less than 10 years duration and shall include the roof, electrical components, and all the structural components of a building or other improvements except mechanical elements serving only one unit.

Section 9. The statute of limitations for any actions in law or equity which a condominium association or a cooperative association may have shall not begin to run until the unit owners have elected a majority of the members of the board of administration.

Section 10. This act shall take effect October 1, 1977.

Amendment 3—On page 1 in title, lines 2 thru 15, strike all of lines 2 through 15 and insert the following:

A bill to be entitled An act relating to condominiums and cooperatives; creating ss. 718.122 and 718.123 and 719.109 and 719.110, Florida Statutes; exclusively reserving all common elements, common areas, and recreational facilities serving condominiums for the use and benefit of unit owners; providing for each owners' association to adopt reasonable rules pertaining to use of such common elements, common areas, and recreational facilities; prohibiting rules which would unreasonably restrict any unit owners' right to peaceably assemble or invite public officers or candidates to appear and speak on such common elements, common areas, and recreational facilities; providing for injunction upon the application of an aggrieved owner; amending s. 718.112(2)(b), Florida Statutes, 1976 Supplement, providing that condominium bylaws may provide for the percentage of unit owners or voting rights required to make decisions; amending s. 718.112(2)(d), Florida Statutes, 1976 Supplement, providing that notice of the annual meeting of the unit owners must be sent by regular mail rather than certified mail and the post office certificate of mailing must be retained as evidence of such mailing; amending s. 718.110(4), Florida Statutes, 1976 Supplement, and adding subsection (7) thereto, relating to amendments to the declaration of condominium; adding subsection (9) to s. 718.116, Florida Statutes, 1976 Supplement, providing that unit owners shall have the right to require that the association provide them with a certificate showing certain unpaid assessments; amending s. 718.203(6), Florida Statutes, 1976 Supplement, providing for the applicability of warranties on condominiums; requiring specified provisions; providing for the running of a statute of limitations; providing an effective date.

Senator Myers moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—On page 5, line 20, strike "board of administration" and insert: condominium association.

On motion by Senator Myers, the Senate concurred in House Amendment 2 as amended by the Senate Amendment and the House was requested to concur.

On motion by Senator Myers, the Senate concurred in House Amendment 3.

SB 94 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Barron	Gorman	Myers	Thomas, Pat
Castor	Graham	Peterson	Tobiassen
Chamberlin	Hair	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Sayler	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Winn
Gallen	MacKay	Skinner	Zinkil
Glisson	McClain	Spicola	

Nays—None

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Poston and others—

SB 13—A bill to be entitled An act relating to motor vehicles; amending s. 320.0805(1), (2), (5), (7), (8)(a), Florida Statutes; authorizing the issuance of personalized prestige license plates for certain trucks and recreational vehicles; providing for applications and fees for issuance of such license plates; amending s. 320.13(1)(a), Florida Statutes, providing for use of dealers plates in connection with the dealer's business; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 28, strike all of line 28 and insert: Section 2. Section 320.13(1)(a), Florida Statutes, 1976 Supplement, is

Amendment 2—On page 4, lines 6 & 7, strike all of lines 6 & 7 and insert: while in inventory and for sale, or while being operated in connection with such dealer's business, but shall not be valid

Amendment 3—On page 3, line 27 insert between lines 27 and 28:

(9)(a) Upon application under this section by any member of Congress or United States Senator, the department is authorized to issue to such Congressman or United States Senator an automobile license plate stamped "MC," these letters to be followed by the number of the appropriate congressional district or when the applicant is a United States Senator, a license plate stamped "USS" followed by the numeral II in the case of a junior senator.

(b) Upon application under this section by any member of the State House of Representatives, the department is authorized to issue such state representative two automobile license plates stamped in bold letters "State Legislator," followed by the number of the appropriate House district on one plate, the other plate number to be that assigned by the department. When the applicant is a State Senator, the department is authorized to issue two license plates stamped in bold letters "State Senator," followed by the number of the appropriate Senate district on one plate, the other plate number to be that assigned by the department.

(c) License plates purchased under paragraphs (a) and (b) of this subsection shall be replaced by the department at no cost when the applicant leaves his elected office.

Section 2. Subsection (5) and (6) of section 320.72, Florida Statutes, as amended by chapter 74-118, Laws of Florida, are hereby repealed.

Amendment 4—On page 1, line 17, strike "to read:" and insert: subsection (9) of section 320.0805, Florida Statutes, is renumbered as subsection (10), and a new subsection (9) is added to said section to read:

Amendment 5—On page 1 in title, line 8, insert: after the semicolon: adding a new subsection (9) to s. 320.0805, Florida Statutes, providing that certain license plates issued to members of the United States Congress or members of the State Legislature shall be issued as personalized prestige license plates at the same fee as personalized prestige license plates; repealing s. 320.72(5) and (6), Florida Statutes, relating to specially selected license plate numbers issued to members of the United States Congress or members of the State Legislature;

Senator Poston moved that the Senate refuse to concur in House Amendments 3, 4 and 5. The motion failed.

On motions by Senator Poston, the Senate concurred in House Amendments 1, 2, 3, 4 and 5.

SB 13 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	Myers	Thomas, Jon
Castor	Graham	Plante	Thomas, Pat
Chamberlin	Hair	Poston	Tobiassen
Childers, Don	Henderson	Renick	Trask
Childers, W. D.	Holloway	Sayler	Vogt
Dunn	Johnston	Scarborough	Ware
Firestone	Lewis	Scott	Williamson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Nays—None

Vote after roll call:

Yea—Peterson

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Hair—

SB 891—A bill to be entitled An act relating to insurance; amending s. 627.458(1), Florida Statutes, to permit a maximum policy loan rate of 8 percent; providing a condition for approval of a policy loan interest rate in excess of 6 percent; providing that present policies shall not be affected; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Substitute Amendment 2 to Amendment 1—On page 2, line 7, after the period "." insert and renumber the subsequent sections:

Subsection (8) of section 627.476, Florida Statutes, is amended to read:

627.476 Standard nonforfeiture law; life insurance.—

(8) All adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners' 1958 Standard Ordinary Mortality Table, provided that for any category of such

policies issued on female risks, adjusted premiums and present values may be calculated according to an age not more than 6 3/4 years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the following tables:

(a) For policies issued on and after the operative date of this section but before January 1, 1968, the 1941 Standard Industrial Mortality Table unless the Commissioners' 1961 Standard Industrial Mortality Table is applicable according to subsection (11) of this section;

(b) For policies issued on and after January 1, 1968, the Commissioners' 1961 Standard Industrial Mortality Table.

All calculations shall be made on the basis of the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided that such rate of interest shall not exceed 3.5 percent per annum except that a rate of interest not exceeding 4 percent per annum may be used for policies issued on or after July 1, 1973, and prior to January 1, 1986; and provided that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners' 1958 Extended Term Insurance Table, for ordinary policies. In the case of industrial policies:

(c) For policies issued on and after the operative date of this section but before January 1, 1968, not more than 130 percent of the rates of mortality according to the 1941 Standard Industrial Mortality Table, unless the Commissioners' 1961 Industrial Extended Term Insurance Table is applicable according to subsection (11) of this section, in which case not more than those of the latter table;

(d) For policies issued on and after January 1, 1968, not more than those of the Commissioners' 1961 Industrial Extended Term Insurance Table.

For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the department.

Amendment 2—On page 1, line 8 in title, after the word "affected;" insert: amending s. 627.476 (8), Florida Statutes, relating to adjusted premiums and present values of policies issued on female risks;

On motions by Senator Hair, the Senate concurred in the House Amendments.

SB 891 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gorman	Myers	Trask
Castor	Graham	Poston	Vogt
Chamberlin	Hair	Renick	Williamson
Childers, Don	Holloway	Saylor	Winn
Dunn	Johnston	Scarborough	Zinkil
Firestone	Lewis	Scott	
Gallen	MacKay	Skinner	
Glisson	McClain	Thomas, Jon	

Nays—7

Childers, W. D.	Plante	Thomas, Pat	Ware
Henderson	Spicola	Tobiassen	

Vote after roll call:

Yea—Peterson

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator W. D. Childers—

SB 377—A bill to be entitled An act relating to the Real Estate License Law; amending s. 475.01(2), Florida Statutes; exempting employees of public utilities, railroads, and the Department of Transportation from the licensing requirements of chapter 475, Florida Statutes, for real estate brokers or salesmen when such employees purchase or lease any real property or any interest in real property within the scope of their employment for the use of such employers; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 7, insert: (after public utility,) a rural electric cooperative,

Amendment 2—On page 1 in title, line 4, insert: (after public utilities,) a rural electric cooperative,

On motions by Senator W. D. Childers, the Senate concurred in the House Amendments.

SB 377 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gorman	Peterson	Thomas, Jon
Castor	Graham	Plante	Thomas, Pat
Chamberlin	Hair	Renick	Tobiassen
Childers, W. D.	Henderson	Saylor	Trask
Dunn	Holloway	Scarborough	Vogt
Firestone	MacKay	Scott	Ware
Gallen	McClain	Skinner	Williamson
Glisson	Myers	Spicola	Winn

Nays—4

Childers, Don	Johnston	Lewis	Zinkil
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The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Spicola—

SB 55—A bill to be entitled An act relating to the jurisdiction of county courts; amending s. 34.01(1), Florida Statutes; providing that attorney's fees shall be excluded in determining whether the matter in controversy is within the specified jurisdictional amount; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 22, strike lines 22 through 24 and insert: Section 2. Subsection (2) of Section 34.011, Florida Statutes, is amended to read as follows:

34.011 Jurisdiction in landlord and tenant cases.—

(2) The county court shall have exclusive jurisdiction of proceedings relating to the right of possession of real property and to the forcible or unlawful detention of lands and tenements, except as provided in s. 26.012. *In cases transferred to the circuit court pursuant to Rule 1.170(j), Florida Rules of Civil Procedure, or Rule 7.100(a), Florida Rules of Summary Procedure, the demands of all parties shall be resolved by the circuit court.*

Section 3. This act shall not affect any actions at law filed prior to the effective date of this act.

Section 4. This act shall take effect October 1, 1977.

Amendment 2—On page 1 in title, line 7, insert: (after "amount;") amending s. 34.011(2), Florida Statutes, providing that in cases transferred to the circuit court the circuit court shall resolve the demands of all parties;

On motions by Senator Spicola, the Senate concurred in the House Amendments.

SB 55 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	Myers	Thomas, Jon
Castor	Graham	Peterson	Thomas, Pat
Chamberlin	Hair	Plante	Tobiasen
Childers, Don	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Dunn	Johnston	Scarborough	Ware
Firestone	Lewis	Scott	Williamson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator W. D. Childers—

SB 83—A bill to be entitled An act relating to water and sewer systems; adding s. 153.03(11), Florida Statutes; authorizing a county to acquire sewer and water system facilities by gift or by purchase of the capital stock of a corporation presently owning such facilities; providing that a county may pledge revenues from such facilities as security for the purchase price of the stock; providing that a county may continue to operate the facilities through the corporation or may dissolve the corporation after acquisition; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 25, after the comma insert: all

On motion by Senator W. D. Childers, the Senate concurred in the House Amendment.

SB 83 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	Peterson	Thomas, Jon
Castor	Graham	Plante	Thomas, Pat
Chamberlin	Hair	Poston	Tobiasen
Childers, Don	Henderson	Renick	Trask
Childers, W. D.	Johnston	Sayler	Vogt
Dunn	Lewis	Scarborough	Ware
Firestone	MacKay	Scott	Williamson
Gallen	McClain	Skinner	Winn
Glisson	Myers	Spicola	Zinkil

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator W. D. Childers—

SB 584—A bill to be entitled An act relating to the disposal of property held by the Department of Transportation; adding s. 337.25(5), Florida Statutes; authorizing conveyance without

consideration of certain property acquired by the department to units of local government; providing for the sale of certain property to owners of abutting land; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 27, strike MAI and insert: independent

On motion by Senator W. D. Childers, the Senate concurred in the House Amendment.

SB 584 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Graham	Plante	Tobiasen
Castor	Hair	Poston	Trask
Chamberlin	Henderson	Renick	Vogt
Childers, Don	Holloway	Sayler	Ware
Childers, W. D.	Johnston	Scarborough	Williamson
Dunn	Lewis	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Gallen	McClain	Spicola	
Glisson	Myers	Thomas, Jon	
Gorman	Peterson	Thomas, Pat	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed inform the Senate that the House of Representatives has passed with amendments—

By Senator Ware—

SB 226—A bill to be entitled An act relating to planning and budgeting; amending s. 216.023, Florida Statutes; providing that each state agency submit to the Governor, together with its legislative budget, a statement of the number of employees employed by such agency as of a specified date; renumbering s. 216.151(5), Florida Statutes, and adding a new subsection (5) to said section; providing that the secretary of the Department of Administration shall prepare an annual report of the number of employees employed by each state agency and furnish such report to the Legislature; amending s. 110.0611, Florida Statutes; deleting requirement that a personnel listing be presented to the Speaker of the House and President of the Senate by the Division of Personnel each year; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 1-6, strike all of subsection (2) and insert:

(2) Each agency shall by November 1 submit to the Department of Administration, and the legislative appropriations committees, in the manner prescribed by the department, a statement of the number for each pay grade and classification, of salaried full-time and part-time employees and the number of other personal services employees employed by the agency as of September 30 of the year in which the agency submits its legislative budget request.

Amendment 2—On page 2, lines 13-19, strike all of said lines

Amendment 3—On page 1 in title, line 5, strike all of said line and insert: Department of Administration and legislative appropriations committees,

Amendment 4—On page 1 in title, lines 8-14, strike all of said lines 8-13, and on line 14 strike "report to the Legislature;"

Senator Ware moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—On page 2, strike all of lines 7 through and including line 19

On motion by Senator Ware, the Senate concurred in House Amendment 2 as amended by the Senate amendment and the House was requested to concur.

On motions by Senator Ware, the Senate concurred in House Amendments 1, 3 and 4.

SB 226 passed as amended and the action of the Senate was certified to the House.

The vote on passage was:

Yeas—37

Mr. President	Graham	Plante	Tobiassen
Castor	Hair	Poston	Trask
Chamberlin	Henderson	Renick	Vogt
Childers, Don	Holloway	Sayler	Ware
Childers, W. D.	Johnston	Scarborough	Williamson
Dunn	Lewis	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Gallen	McClain	Spicola	
Glisson	Myers	Thomas, Jon	
Gorman	Peterson	Thomas, Pat	

Nays—None

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Sayler—

SB 212—A bill to be entitled An act relating to principal and income; amending s. 738.04 (2), Florida Statutes; providing that in the administration of a decedent's estate, the proceeds from certain pension or profit-sharing plans which are paid as annuity or installment payments are principal; excepting interest or other income earned on such proceeds after the testator's death; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 11, strike Section 2 and insert: Section 2. Subsection (2) of s. 738.01, Florida Statutes, is amended to read:

738.01 Definitions.—As used in this chapter:

(2) "Inventory value" means the cost of property purchased by the trustee and the market value of other property at the time it became subject to the trust, ~~but in the case of a testamentary trust, the trustee may use any value finally determined for the purpose of an estate or inheritance tax.~~

Section 3. Paragraphs (b) and (e) of subsection (1) of s. 738.03, Florida Statutes, are amended to read:

738.03 Income; principal; charges.—

(1) "Income" is the return in money or property derived from the use of principal, including return received as:

(b) Interest on money lent, including sums received as consideration for the privilege of prepayment of principal, except as provided in s. 738.07(1) on bond premium and bond discount.

(e) Accrued increment on bonds or other obligations issued at discount as provided in s. 738.07(2).

Section 4. Subsection (2) of s. 738.06, Florida Statutes, is amended to read:

738.06 Corporate distributions.—

(2) Except to the extent that the corporation indicates that some part of a corporate distribution is a settlement of preferred

or guaranteed dividends accrued since the trustee became a stockholder or is, instead, of an ordinary cash dividend, a corporate distribution is principal if the distribution is pursuant to:

(a) A call of shares.

(b) A merger, consolidation, reorganization, or other plan by which assets of the corporation are acquired by another corporation.

(c) A total or partial liquidation of the corporation, including any distribution which the corporation indicates is a distribution in total or partial liquidation.

(d) Any distribution of assets pursuant to a judgment or final administrative order by a governmental agency ordering distribution of the particular assets.

Section 5. Section 738.07, Florida Statutes, is amended to read:

738.07 Bond premium and discount.—

(1) Bonds or other obligations for the payment of money are principal at their inventory value, ~~except as provided in subsection (2) for discount bonds.~~ No provision shall be made for amortization of bond premiums or for accumulation for discount. The proceeds of sale, redemption, or other disposition of the bonds or obligations are principal.

(2) The increment in value of a bond or other obligation for the payment of money *bearing no stated interest but payable at a future time in excess of the price at which it was issued or purchased if purchased after issuance* is distributable as income. ~~If the increment in value accrues and becomes payable pursuant to a fixed schedule of appreciation, it may be distributed to the beneficiary who was the income beneficiary at the time of increment from the first principal cash available or, if none is available, when realized by sale, redemption, or other disposition. When unrealized increment is distributed as income but out of principal, the principal shall be reimbursed for the increment when realized.~~

Section 6. This act shall take effect on October 1, 1977.

Amendment 3—On page 3 of Amendment 1, insert Section 6. Subsection (1) of section 738.12, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 738.12(1), F.S., for present text.)

738.12 Underproductive property.—

(1)(a) If the total principal of a trust does not in any year yield a net income of at least 3% of its market value (including as income the value of any beneficial use of the property by the income beneficiary), the Trustee shall pay to the income beneficiary an amount equal to 3% of the value of the principal based upon the market value at the calendar year end. This amount shall be paid to the income beneficiary using the first principal cash available.

(b) In the event of a termination or initiation of a trust, or the termination of a beneficial income interest of a Trust, for a period of less than 12 months, the amount to be paid to the income beneficiary shall be pro-rated proportionately with the length of the time of his interest in the Trust, and in accordance with section 738.03.

(and renumber subsequent section)

Amendment 4—On page 1 in title, line 10, following the word "death;" insert: amending s. 738.01(2), Florida Statutes, deleting provision that a trustee of a testamentary trust may use value determined for purposes of estate or inheritance taxes as inventory value; amending s. 738.03(1)(b) and (e), Florida Statutes, to provide correct statutory references; amending s. 738.06(2), Florida Statutes, providing for clarification regarding when a corporate distribution is principal; amending s. 738.07, Florida Statutes, providing for clarification regarding bond premiums and discount for certain bonds payable pursuant to a fixed schedule; amending s. 738.12(1), Florida Statutes, relating to underproductive property;

On motions by Senator Sayler, the Senate concurred in the House Amendments.

SB 212 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Graham	Poston	Trask
Castor	Hair	Renick	Vogt
Chamberlin	Henderson	Saylor	Ware
Childers, Don	Johnston	Scarborough	Williamson
Childers, W. D.	Lewis	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Gallen	McClain	Thomas, Jon	
Glisson	Myers	Thomas, Pat	
Gorman	Plante	Tobiassen	

Nays—None

Votes after roll call:

Yeas—Peterson, Spicola

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 1 amendment—

By Senator Scarborough and others—

SB 778—A bill to be entitled An act relating to insurance; amending s. 627.553(3), (5), and s. 627.679(2), Florida Statutes, providing that credit life insurance is limited to \$20,000 on loans with any one creditor other than on loans not exceeding 1 year duration; limiting the insurance on loans not exceeding 1 year duration to \$20,000 with any one insurer; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 2, line 17, after the word “insurer” insert: ; *provided that before any credit life insurance may be sold, the creditor must advise the borrower that he has the option of assigning any other policy or policies the debtor owns or may procure for the purpose of covering said loan*

On motion by Senator Scarborough, the Senate concurred in the House Amendment.

SB 778 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Hair	Poston	Tobiassen
Castor	Henderson	Renick	Trask
Childers, Don	Holloway	Saylor	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Firestone	Lewis	Scott	Williamson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil
Gorman	Myers	Thomas, Jon	
Graham	Plante	Thomas, Pat	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 2 amendments—

By Senator Renick—

SB 26—A bill to be entitled An act relating to grouper, a saltwater fish; amending s. 370.11(2)(a), Florida Statutes; prohibiting the taking, possessing, buying, offering for sale, selling, or unnecessarily destroying of any grouper of less length than 12 inches; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 15, strike the period (.) and insert: ; *limited to the following species: Red grouper (Epinephelus morio), Jewfish (E. itajara), Nassau grouper (E. striatus), Black grouper (Mycteroperca bonaci), and Gag (M. microlepis).*

Amendment 2—On page 1 in title, line 7 after the semi-colon after the word inches insert: *limited to certain species;*

On motions by Senator Renick, the Senate concurred in the House Amendments.

SB 26 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Graham	Poston	Tobiassen
Castor	Henderson	Renick	Trask
Chamberlin	Holloway	Saylor	Vogt
Childers, Don	Johnston	Scarborough	Williamson
Childers, W. D.	Lewis	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Gallen	McClain	Spicola	
Glisson	Myers	Thomas, Jon	
Gorman	Plante	Thomas, Pat	

Nays—1

Ware

Vote after roll call:

Yeas—Hair, Peterson

Yea to Nay—Plante, Pat Thomas

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Gorman—

SB 358—A bill to be entitled An act relating to licensing of real estate brokers and salesmen; amending ss. 475.17(4), 475.20, 475.451(1), Florida Statutes; providing that the Florida Real Estate Commission may require satisfactory completion of education courses as a prerequisite to renewal of registration as a real estate broker or salesman; providing that requests for renewal of certificates include proof satisfactory to the commission of completion of such courses; providing that every person, school, or institution except approved and accredited colleges and universities must obtain a permit to teach any course prescribed by the commission as a condition precedent to registration or renewal; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 5, after the period “.” insert: *The course or courses required to become initially registered shall not exceed a total of 51 classroom hours of 50 minutes each inclusive of examination for salesman and 48 classroom hours of 50 minutes each inclusive of examination for broker. The satisfactory completion of an examination administered by the accredited college, university, or community college or real estate school registered pursuant to s. 475.451 shall be the basis for determining satisfactory completion; provided, however, that notice of satisfactory completion shall not be issued if the student has absences in excess of 6 classroom hours.*

Amendment 2—On page 3, line 16, after the period “.” insert: Section 4.

Subsection (7) is added to section 475.451, Florida Statutes, to read:

475.451 Schools teaching real estate practice.—

(7) *Location of classes and frequency of class meetings shall be in the discretion of the school offering real estate courses, so long as said courses conform to s. 475.17(4).*

and renumber subsequent section

Amendment 3—On page 2, line 22, strike "clock hours" and insert: *classroom hours of 50 minutes each inclusive of examination*

Amendment 4—On page 1 in title, line 17, after the semicolon ";," insert: providing specified number of hours for salesman's and broker's courses; providing for 50-minute hours; providing for examinations; providing for student absences; adding subsection (7) to s. 475.451, Florida Statutes; authorizing real estate schools to set location and frequency of classes;

Senator Gorman moved the following amendment to House amendment 3 which was adopted:

Amendment 1—On page 1, line 1, strike "inclusive of examination"

On motion by Senator Gorman, the Senate concurred in House Amendment 3 as amended by the Senate amendment and the House was requested to concur.

On motions by Senator Gorman, the Senate concurred in House Amendments 1, 2 and 4.

SB 358 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Graham	Renick	Tobiassen
Castor	Henderson	Sayler	Trask
Childers, Don	Holloway	Scarborough	Vogt
Childers, W. D.	Johnston	Scott	Ware
Firestone	MacKay	Skinner	Williamson
Gallen	McClain	Spicola	Winn
Glisson	Plante	Thomas, Jon	
Gorman	Poston	Thomas, Pat	

Nays—3

Chamberlin	Lewis	Zinkil
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Vote after roll call:

Yea—Hair

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 2 amendments—

By Senator Sayler—

SB 270—A bill to be entitled An act relating to local governmental units; amending s. 163.3174(1), (2), (5), Florida Statutes; providing for the creation of countywide local planning agencies by special act; providing for the required content of special acts creating local planning agencies; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 3, line 7, strike all of said line and insert: Section 2. Section 163.3194, Florida Statutes, is amended by adding a new subsection (4) to read:

163.3194 Legal Status of comprehensive plan.—

(4) *The tax exempt status of lands classified as agricultural under s. 193.461 shall not be affected by any comprehensive plan adopted under this act so long as such lands are in fact being utilized for agricultural purposes.*

Section 3. This act shall take effect July 1, 1977.

Amendment 3—On page 1 in title, line 7, after the semicolon insert: adding a new subsection (4) to s. 163.3195, Florida Statutes, to preserve the tax exempt status of agricultural lands;

Senators Sayler and Gallen offered the following amendment to House Amendment 2 which was moved by Senator Sayler and adopted:

Amendment 1—On page 1, lines 7 and 8, strike "so long as such lands are in fact being utilized for agricultural purposes" and insert: as long as the land meets the criteria set forth in s. 193.496

Senator Sayler moved the following amendment to House Amendment 3 which was adopted:

Amendment 1—On page 1 in title, line 2, strike "163.3195" and insert: 163.3194

On motions by Senator Sayler, the Senate concurred in House Amendments 2 and 3 as amended by the Senate amendments and the House was requested to concur.

SB 270 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gorman	Peterson	Thomas, Pat
Barron	Graham	Plante	Tobiassen
Castor	Hair	Poston	Trask
Chamberlin	Henderson	Renick	Vogt
Childers, Don	Holloway	Sayler	Ware
Childers, W. D.	Johnston	Scarborough	Williamson
Dunn	Lewis	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Gallen	McClain	Spicola	
Glisson	Myers	Thomas, Jon	

Nays—None

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Health and Rehabilitative Services and Senator Castor and others—

CS for SB 218—A bill to be entitled An act relating to hospital and nursing home plans review; amending s. 395.09, Florida Statutes; amending s. 400.23(6), Florida Statutes, 1976 Supplement, and adding subsections (7) and (8) to said section; requiring that all plans and specifications for hospital or nursing home construction be approved within 60 days of receipt by the Department of Health and Rehabilitative Services; authorizing the Department of Health and Rehabilitative Services to collect appropriate fees for services rendered in plans and specifications review; authorizing a trust fund for fees paid; providing for the use of trust funds; authorizing the delegation of authority to review and approve plans and specifications to certain counties and municipalities; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 28, insert the following after "act": , with exception of those provisions relating to the plans review fee payment

Amendment 2—On page 4, lines 26 and 27, strike "and accompanied by the plans review fee payment"

On motion by Senator Castor, the Senate concurred in the House Amendments.

CS for SB 218 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Peterson	Thomas, Pat
Castor	Hair	Poston	Tobiassen
Chamberlin	Henderson	Renick	Trask
Childers, Don	Holloway	Saylor	Vogt
Childers, W. D.	Johnston	Scarborough	Williamson
Dunn	Lewis	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Gallen	McClain	Spicola	
Glisson	Myers	Thomas, Jon	

Nays—None

Vote after roll call:

Yea—Graham

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Dunn—

SB 108—A bill to be entitled An act relating to historic preservation; creating part VII of chapter 266, Florida Statutes; creating the Historic Volusia County and Flagler County Preservation Board of Trustees within the Department of State; providing definitions; specifying functions and purposes of the board; providing for appointment and terms of members and for organization of the board; providing that the State Treasurer have custody of all funds of the board; prescribing powers and duties of the board; authorizing the Board of County Commissioners of Volusia County and the Board of County Commissioners of Flagler County to appropriate moneys annually from available funds for the use of the board; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert: Section 1. Part VII of chapter 266, Florida Statutes, consisting of sections 266.501, 266.502, 266.503, 266.504, 266.505, 266.506, and 266.507, Florida Statutes, is created to read:

266.501 Historic Broward County and Historic Volusia County and Flagler County Preservation Boards of Trustees.—There is created within the Department of State the Historic Broward County Preservation Board of Trustees, and the Historic Volusia County and Flagler County Preservation Board of Trustees, bodies corporate, the purpose and function of which shall be to acquire, restore, preserve, maintain, reconstruct, reproduce, and operate, for the use, benefit, education, recreation, enjoyment, and general welfare of the people of this state and nation, certain ancient or historic landmarks, sites, cemeteries, graves, military works, monuments, locations, remains, buildings, and other objects of historical or antiquarian interest in their respective counties. The selection for acquisition, restoration, preservation, maintenance, reconstruction, reproduction, and operation shall be made by each board, based on criteria of historical evaluation as established by the Department of State.

266.502 Definitions.—Unless otherwise clearly indicated, as used in this part:

(1) "Board" means the Historic Broward County Preservation Board of Trustees of the Department of State or the Historic Volusia County and Flagler County Preservation Board of Trustees of the Department of State.

(2) "Facilities" means historic sites, districts, objects, and landmarks for exhibition, owned, leased, managed, or operated by the boards.

266.503 Membership; terms; compensation; bond.—

(1) Each board shall consist of nine members to be appointed by the Governor not later than November 1, 1977, and confirmed by the Senate. Members of the original boards shall be appointed for terms as follows: Three for 2 years; three for 3 years; and three for 4 years. Thereafter, members shall be appointed for 4-year terms, except for appointments for unexpired terms,

in which event the appointment shall be for the unexpired term only. No more than two members shall be appointed from any one city in each respective county.

(2) Board members shall be qualified through the demonstration of special interest, experience, or education in history, architecture, or other related fields and shall possess an active interest in local historical aspects, either through an organization or body the purposes of which are consistent with the purposes of this part or through personal interest and contribution. The members of each board, including the chairman, shall receive no compensation for their services, but shall be entitled to be reimbursed for per diem and travel expenses incurred in the performance of their official duties as members of the board, subject to the provisions and limitations of s. 112.061. Each member shall give a surety bond in the sum of \$5,000, executed by a surety company authorized to do business in this state, payable to the Governor and his successors in office and conditioned upon the faithful performance of the member's duties. The cost of each such bond shall be borne by the board.

266.504 Organization; records.—Within 15 days after the appointment of its membership, and annually thereafter, each board shall hold an organizational meeting at which it shall elect from its membership a chairman, vice chairman, and secretary-treasurer. No business shall be transacted by the board except at a regular or specially called meeting at which a quorum is present and the minutes thereof recorded. Permanent records shall be maintained which shall reflect all official transactions of the board.

266.505 Treasurer; finances.—The State Treasurer shall be the ex officio treasurer of each board and shall have the custody of all its funds to be kept in a special account. All receipts and disbursements of the board shall be handled subject to the same laws and rules as other state funds are handled.

266.506 Powers of the boards.—Each board shall be the governing body and have the power:

(1) To adopt a seal and alter the same at pleasure.

(2) To contract and be contracted with, to sue and be sued, and to plead and be impleaded in all courts of law and equity.

(3) To exercise any power not in conflict with the Constitution of the state or the United States which is usually possessed by private corporations or public agencies performing comparable functions.

(4) To establish an office for the conduct of its affairs.

(5) To acquire, hold, lease, and dispose of real and personal property or any interest therein for its authorized purpose.

(6) To plan facilities; to demolish existing structures; and to construct and reconstruct, alter, repair, and improve the facilities wherever located.

(7) To acquire in its own name, by purchase, grant, devise, gift, or lease, on such terms and conditions and in such manner as it may deem necessary or expedient, or by condemnation, except as otherwise herein provided, in accordance with and subject to the state law applicable to condemnation of property for public use, real property or rights or easements therein or franchises necessary or convenient for its purposes; to use the same so long as its existence shall continue; and to lease or make contracts with respect to the use or disposal of the same or any part thereof in any manner deemed by it to be in the best interest of the board, but only for the purposes for which it is created. No property shall be acquired under the provisions of this part upon which any lien or other encumbrance exists, unless at the time said property is so acquired a sufficient sum of money is to be deposited in trust to pay and redeem such lien or encumbrance; nor shall any property be acquired hereunder by condemnation which is owned by a church or a cemetery association or which is presently used as a historical attraction.

(8) To employ and dismiss at pleasure consulting engineers, architects, superintendents or managers, accountants, inspectors, attorneys, and such other employees as may be deemed necessary and to prescribe their powers and duties and fix their compensation.

(9) To acquire from any city within its respective county or counties, the state, the United States or any state thereof, or

any foreign country or colony any existing property, real or personal, now owned by it or hereafter acquired, suitable for the uses of the board, and to improve, operate, and maintain the same for the purposes herein stated or to act as trustee for any such property under such terms and conditions as the owner may prescribe.

(10) To enter into contracts with any city within its respective county or counties for the purposes of providing police and fire protection, water, sanitation, and other public services deemed necessary or expedient; and said municipalities and county are authorized to enter into such contracts.

(11) To contract with any agency of the state, the federal government, any city within its respective county or counties, or any firm or corporation, upon such terms and conditions as the board finds in its best interest, with respect to the establishment, construction, operation, and financing of the facilities of the board in its respective county or counties.

(12) To make and enter into all contracts or agreements with private individuals, corporations, organizations, historical societies, and others with reference to facilities and to enter into contracts and agreements, with or without competitive bidding as the board may determine, which are necessary, expedient, or incidental to the performance of its duties or the execution of its powers under this part.

(13) To engage in any lawful business or activity deemed by it necessary or useful in the full exercise of its powers to establish, finance, maintain, and operate the facilities contemplated by this part, including the renting or leasing for revenue of any land, improved or restored real estate, or personal property directly related to carrying out the purposes for which the board is created.

(14) To fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of this part and to adopt and enforce reasonable rules to govern the conduct of the visiting public.

(15) To borrow money for any of its authorized purposes and for expenses incidental thereto, including expenses incurred during the period of organization, restoration, and construction prior to the operation of the facilities of the board, and to issue negotiable revenue certificates payable solely from revenue from the operation of such facilities and from authorized activities incidental thereto.

(16) To perform all lawful acts necessary, convenient, and incident to the effectuating of its function and purpose.

(17) To cooperate and coordinate all of its activities on a permissive basis through any statewide board, including the Division of Archives, History, and Records Management of the Department of State, and to participate in any overall statewide plan of historical development.

(18) To cooperate and coordinate its activities with any national project of historical development, and to coordinate and cooperate with any other agency, state, local, or national, undertaking historical objectives if the same are not in conflict with the objectives of the board.

266.507 Boards subject to direct control of Secretary of State.—The Historic Broward County Preservation Board of Trustees and the Historic Volusia County and Flagler County Preservation Board of Trustees established in this part shall exercise their respective powers, duties, and functions as prescribed by law, subject to budget review and approval by the Secretary of State. The boards shall not be placed within a division of the Department of State, but, administratively, shall be directly under the supervision of the Secretary of State.

Section 2. This act shall take effect upon becoming a law.

Amendment 2—On page 1, in title strike all of lines 1 through 18 and insert: A bill to be entitled An act relating to historic preservation; creating part VII of chapter 266, Florida Statutes, to establish the Historic Broward County Preservation Board of Trustees and the Historic Volusia County and Flagler County Preservation Board of Trustees within the Department of State; providing for appointment of members and for their qualifications, powers, and duties; providing an effective date.

On motions by Senator Dunn, the Senate concurred in the House Amendments.

SB 108 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Glisson	McClain	Thomas, Jon
Barron	Gorman	Myers	Thomas, Pat
Castor	Graham	Peterson	Tobiassen
Chamberlin	Hair	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Firestone	Lewis	Skinner	Zinkil
Gallen	MacKay	Spicola	

Nays—1

Plante

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Commerce and Senator Henderson and others—

CS for SB 321—A bill to be entitled An act relating to thermal efficiency standards; creating part VII of chapter 553, Florida Statutes, consisting of ss. 553.91-553.99, Florida Statutes, entitled the "Florida Thermal Efficiency Code"; providing legislative purpose; providing definitions; providing that the act applies to all new and renovated buildings in the state for which building permits are obtained after December 31, 1978; providing exceptions; providing thermal efficiency standards for new residential and nonresidential buildings and for renovated buildings; providing for compliance; providing for inspection; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—strike everything after the enacting clause and insert:

Section 1. Part VII of chapter 553, Florida Statutes, consisting of sections 553.91, 553.92, 553.93, 553.94, 553.95, 553.96, 553.97, 553.98, and 553.99, Florida Statutes, is created to read:

PART VII

THERMAL EFFICIENCY STANDARDS

553.91 Short title.—This part shall be known and may be cited as the "Florida Thermal Efficiency Code."

553.92 Purpose.—The purpose of this thermal efficiency code is to provide for a uniform minimum standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals, and to best provide for public safety, health, and general welfare.

553.93 Definitions.—For the purposes of this part:

(1) "Exempted building" means:

(a) Any building or portion thereof whose peak design rate of energy usage for all purposes is less than 1 watt (3.4 Btu's per hour) per square foot of floor area for all purposes.

(b) Any building which is neither heated nor cooled.

(c) Any mobile home.

(d) Any building or portion thereof subject to standards established by the United States.

(e) Any historical building as described in s. 267.021(6).

(f) Any building with a heated or cooled area of less than 1500 square feet.

(g) Any state building that must conform to the more stringent "Florida Energy Conservation Act of 1974" and amendments thereto.

(2) "HVAC" means a system of heating, ventilating, and air conditioning.

(3) "Renovated building" means a nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, provided that the estimated cost of renovation exceeds 30 percent of the assessed value of the structure.

(4) "Local enforcement agency" means the agency of local government which has the authority to make inspections of buildings and to enforce a code or codes which establish standards for construction, renovation, or occupancy of buildings. It includes any agency within the definition of s. 553.71(3).

(5) "Exterior envelope physical characteristics" means the physical nature of those elements of a building which enclose conditioned spaces through which energy may be transferred to or from the exterior.

(6) "ASHRAE Standard 90-75" means the American Society of Heating, Refrigeration, and Air Conditioning Engineers Standard 90-75 concerning energy conservation in new building design.

(7) "HUD Minimum Property Standards" means the single set of technical and environmental standards developed by the Department of Housing and Urban Development, specifying the minimum acceptable levels of design and construction for federally insured or mortgaged housing. These standards are described at 24 C.F.R. 200.95 et seq.

(8) "Standard Building Code" means the Standard Building Code, 1976 edition with 1977 amendments, as adopted by the Southern Building Code Congress International, Inc., (SBCC) with amendments.

553.94 Applicability.—This part shall apply to all new and renovated buildings in the state, except exempted buildings, for which building permits are obtained after December 31, 1978. The provisions of this part shall be in addition to any minimum standard in any building code adopted by a county under authority of s. 125.56, or by any municipality.

553.95 Thermal efficiency standards for new nonresidential buildings.—Thermal design and operations for new nonresidential buildings for which building permits are obtained after December 31, 1978, shall take into account exterior envelope physical characteristics, HVAC system selection and configuration, HVAC equipment performance and service water heating design and equipment performance, and shall meet standards no less stringent than the provisions of chapters 4-9 of ASHRAE Standard 90-75 or, in the alternative, appendix (j) of the Standard Building Code.

553.96 Thermal efficiency standards for new residential buildings.—Thermal design and operations for new residential buildings for which building permits are obtained after December 31, 1978, shall take into account exterior envelope physical characteristics, HVAC system selection and configuration, HVAC equipment performance and service water heating design and equipment selection, and shall meet standards no less stringent than the provisions of the Hud Minimum Property Standards or, in the alternative, appendix (j) of the Standard Building Code.

553.97 Thermal efficiency standards for renovated buildings.—Thermal designs and operations for renovated buildings for which building permits are obtained after December 31, 1978, shall take into account insulation, windows, HVAC systems and performance, and service water heating designs and equipment selection, and shall meet standards no less stringent than the provisions of chapters 4-9 of ASHRAE Standard 90-75 or, in the alternative, appendix (j) of the Standard Building Code. These standards shall apply only to the portions of the structure which are actually renovated.

553.98 Compliance. Owners of all buildings required to comply with this part must certify compliance to the designated local enforcement agency prior to receiving the permit to begin construction or renovation.

553.99 Inspection.—Before construction or renovation is completed, the local enforcement agency shall inspect buildings for compliance with the standards of this part.

Section 2. This act shall take effect upon becoming a law.

Amendment 2—On page 1, lines 1 through 15, strike the entire title and insert:

A bill to be entitled

An act relating to thermal efficiency standards; creating part VII of chapter 553, Florida Statutes, consisting of ss. 553.91-553.99, Florida Statutes, entitled the "Florida Thermal Efficiency Code"; providing legislative purpose; providing definitions; providing that the act applies to all new and renovated buildings in the state for which building permits are obtained after December 31, 1978; providing exceptions; providing thermal efficiency standards for new residential and nonresidential buildings and for renovated buildings; providing for compliance; providing for inspection; providing an effective date.

On motions by Senator Henderson, the Senate concurred in the House Amendments.

CS for SB 321 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Myers	Thomas, Jon
Barron	Graham	Peterson	Thomas, Pat
Castor	Hair	Plante	Tobiassen
Chamberlin	Henderson	Poston	Trask
Childers, Don	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Scarborough	Winn
Firestone	Lewis	Scott	Zinkil
Gallen	MacKay	Skinner	
Glisson	McClain	Spicola	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Saylor—

SB 157—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.17(2), Florida Statutes, 1976 Supplement; providing that the assessment of certain penalties for failure to pay the required tax be equal to 15 percent of the stamps not affixed; providing a penalty of 100 percent of the value of the stamps not affixed when fraud has been determined; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 19, strike the word "a"

Amendment 2—On page 1, line 24, strike "15" and insert: 25

Amendment 3—On page 1 in title, line 6, strike "15" and insert: 25

Amendment 4—On page 2, line 5, insert: (s) *The department may compromise any penalty on any proposed assessment which has not become final on the effective date of this act if its investigation reveals that the penalty would be too severe or unjust.*

and renumber the subsequent section

Amendment 5—On page 1, line 3, strike "s. 201.17(2)" and insert: s. 201.17(2) and (3) and on page 1, line 9, after the ":", insert: authorizing the department to compromise penalties which are too severe or unjust; and on page 1, line 14, strike "Subsection (2)" and insert: Subsections (2) and (3)

On motions by Senator Saylor, the Senate concurred in the House Amendments.

SB 157 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gorman	Myers	Spicola
Barron	Graham	Peterson	Thomas, Pat
Castor	Hair	Plante	Tobiassen
Chamberlin	Henderson	Poston	Trask
Childers, Don	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Sayler	Ware
Firestone	Lewis	Scarborough	Winn
Gallen	MacKay	Scott	Zinkil
Glisson	McClain	Skinner	

Nays—None

Vote after roll call:

Yea—Jon Thomas

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representative has passed with amendment—

By Senators Barron and Firestone—

SB 776—A bill to be entitled An act relating to statutory reports to the Legislature; amending s. 18.09, Florida Statutes; requiring the Treasurer to make an annual report; amending s. 110.0611, Florida Statutes; deleting requirement that a personnel listing be presented to the Speaker of the House and President of the Senate by the Division of Personnel each year; amending ss. 233.057(4)(b), 236.084(1), 633.32(4), Florida Statutes; deleting reporting requirements; amending s. 241.621(8), Florida Statutes; providing that the report on sponsored research be made at least 90 days prior to the legislative session; amending s. 272.121(4), Florida Statutes; providing that the Capitol Center planning report be made every fifth year; amending ss. 284.42(1), 440.46(1), Florida Statutes; revising reporting requirements; repealing ss. 101.5616, 175.281, 185.232, 229.545(4), 229.8025(3), 229.8055(5), 229.835(2), 231.608(2), 232.255(4)(b), 233.067(8), 233.0681(2)(e), 233.069(5), 241.479(3), 402.181(4), 413.038, 440.152(2), 633.40(2), Florida Statutes, relating to reporting requirements; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 8, after the period “.” insert: *Each list shall be organized by budget entity to show by budget entity the employees or vacant positions within that budget entity. This list shall be available to the Speaker of the House of Representatives and the President of the Senate upon request.*

On motion by Senator Barron, the Senate concurred in the House Amendment.

SB 776 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Hair	Plante	Tobiassen
Barron	Henderson	Poston	Trask
Castor	Holloway	Renick	Vogt
Childers, Don	Johnston	Scarborough	Ware
Childers, W. D.	Lewis	Scott	Williamson
Firestone	MacKay	Skinner	Winn
Gallen	McClain	Spicola	Zinkil
Gorman	Myers	Thomas, Jon	
Graham	Peterson	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Glisson

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator Scott—

SB 309—A bill to be entitled An act relating to tax deeds; amending s. 197.276, Florida Statutes; providing that a tax deed is subject to an easement for the purpose of ingress and egress to and from other land; providing that the easement must be recorded or evidenced by a road or other visible occupation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 6, strike the period and insert: *; provided, however, this shall only apply to tax deeds issued after the effective date of this act.*

On motion by Senator Scott, the Senate concurred in the House Amendment.

SB 309 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Graham	Peterson	Tobiassen
Barron	Hair	Poston	Trask
Castor	Henderson	Renick	Vogt
Childers, Don	Holloway	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	
Gorman	Myers	Thomas, Pat	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 1 amendment—

By the Committee on Finance, Taxation and Claims and Senator Zinkil—

CS for SB 313—A bill to be entitled An act relating to tangible personal property; creating s. 196.182, Florida Statutes; providing that personal property manufactured and produced outside of Florida and brought into the state for transshipment in interstate or foreign commerce is goods-in-transit and shall not be deemed to have acquired a taxable situs within a county; providing an explanation of the term “goods-in-transit”; providing a method for record-keeping of goods-in-transit; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 10, after the word “property” strike the word “and” and insert: *solely for*

On motion by Senator Zinkil, the Senate concurred in the House Amendment.

CS for SB 313 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	Myers	Thomas, Jon
Barron	Graham	Plante	Thomas, Pat
Castor	Hair	Poston	Tobiassen
Chamberlin	Henderson	Renick	Trask
Childers, Don	Holloway	Sayler	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Firestone	Lewis	Scott	Williamson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Nays—None

Vote after roll call:

Yea—Peterson

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Myers and others—

SB 95—A bill to be entitled An act relating to ad valorem taxation; authorizing persons entitled to homestead tax exemption to defer payment of a portion of the ad valorem taxes levied on the homestead; providing definitions; prescribing qualifications and procedures for applying for such deferral; prescribing limitations; providing for interest on deferred taxes; providing that deferred taxes constitute a lien on the home stead; prescribing procedures for maintaining records of deferred taxes and interest; providing for loans from retirement trust funds to local governing bodies in amount of deferred taxes; providing terms and conditions of such loans; prescribing times and circumstances in which deferred taxes become due and payable and delinquent; specifying conditions under which surviving spouse of owner may continue deferral; authorizing early payment or partial payment of deferred taxes or interest by certain persons; providing for collection of deferred taxes and interest; providing for distribution and deposit of deferred taxes and interest collected; providing penalties; adding s. 194.032(1)(d), Florida Statutes; providing for hearing of appeals; adding 215.47(2)(e), Florida Statutes; allowing certain funds to be used to purchase deferred tax anticipation notes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 3, strike all after the enacting clause and insert the following: Section 1. This act shall be known and may be cited as the "Homestead Property Tax Deferral Act."

Section 2. Definitions.—

(1) "Household" means a person or a group of persons living together in a room or group of rooms as a housing unit.

(2) "Income" means the adjusted gross income of all members of a household from wages and salaries; self-employment net nonfarm and farm income; income from public assistance, welfare, social security, or railroad retirement, except medicare reimbursements or separate payments for hospital or other medical care; and income from all other sources, except receipts from sale of personal property, capital gains, lump-sum insurance, or inheritance payments or payment "in kind."

Section 3. (1) Any person who is entitled to claim homestead tax exemption under the provisions of s. 196.031(1), Florida Statutes, may elect to defer payment of a portion of the ad valorem taxes levied on his homestead by filing an application for tax deferral with the county tax collector on or before December 31 of the year in which the taxes are assessed. It shall be the burden of each applicant to affirmatively demonstrate his compliance with requirements of this section.

(2) Approval of an application for tax deferral shall defer that portion of ad valorem taxes otherwise due and payable on the applicant's homestead pursuant to s. 197.012, Florida Statutes, which portion exceeds 5 percent of the applicant's household's income for the prior calendar year; except that the household income of an applicant who applies for a tax deferral before the end of the calendar year in which the taxes are assessed shall be for the current year adjusted to reflect estimated income for the full calendar year period.

(3) No tax deferral shall be granted if the total amount of deferred taxes and interest plus the total amount of all other unsatisfied liens on the homestead exceeds 85 percent of the assessed value of the homestead, or if the primary mortgage financing on the homestead is an amount which exceeds 70 percent of the assessed value of the homestead.

(4) The amount of taxes and interest deferred pursuant to this act shall accrue interest at a rate equal to the semian-

nually compounded rate of one-half of 1 percent plus the average yield to maturity of the long term fixed income portion of the Florida Retirement System investments as of the end of the quarter preceding the date of the sale of the deferred payment tax certificates.

(5) The taxes and interest deferred pursuant to this act shall constitute a prior lien and shall attach as of the date and in the same manner and collected as other liens for taxes, as provided for under chapter 197, Florida Statutes, but such deferred taxes shall only be due, payable, and delinquent as provided in this act.

Section 4. (1) The application for deferral shall be made upon a form prescribed by the Department of Revenue and furnished by the county tax collector. The application form shall advise the applicant of the applicable interest rate. Each application form will contain an explanation of the conditions to be met for approval and the conditions under which deferred taxes and interest become due, payable, and delinquent. Each application shall clearly state that all deferrals pursuant to this act shall constitute a lien on the applicant's homestead.

(2) The tax collector shall annually consider each application for homestead tax deferral during the month the application is filed or as soon as practicable thereafter. If the tax collector finds that the applicant is entitled to the tax deferral, he shall approve the application and file the application in the permanent records. If the tax collector finds the applicant is not entitled to the deferral, he shall send a notice of disapproval within 15 days of the filing of the application giving his reasons therefor to the applicant, either by personal delivery or by registered mail to the mailing address given by the applicant, and shall make return in the manner in which such notice was served upon the applicant upon the original notice thereof and file among the permanent records of his office. The original notice of disapproval sent to the applicant shall advise the applicant of his right to appeal the decision of the tax collector to the Property Appraisal Adjustment Board and shall inform the applicant of the procedure for filing such an appeal. Appeals of the decision of the tax collector to the Property Appraisal Adjustment Board shall be in writing on a form prescribed by the Department of Revenue and furnished by the tax collector. Such appeal shall be filed with the Property Appraisal Adjustment Board within 20 days after the applicant's receipt of the notice of disapproval. The Property Appraisal Adjustment Board shall review the application and evidence presented to the tax collector upon which the applicant based his claim for tax deferral and, at the election of the applicant, shall hear the applicant in person, or by agent on his behalf, of his right to homestead tax deferral. The Property Appraisal Adjustment Board shall reverse the decision of the tax collector and grant homestead tax deferral to the applicant if in its judgment the applicant is entitled thereto, or affirm the decision of the tax collector. Such action of the Property Appraisal Adjustment Board shall be final unless the applicant, within 15 days from the date of disapproval of the application by the board, files in the circuit court of the county in which the property is located, a proceeding against the tax collector for a declaratory judgment or other appropriate proceeding.

(3) Each application shall contain a list of, and the current value of, all outstanding liens on the applicant's homestead.

(4) For approved applications, the date of receipt by the tax collector of the application for tax deferral shall be used in calculating taxes due and payable as provided for by s. 197.012, Florida Statutes.

(5) If not furnished with a prior application, each applicant shall furnish proof of fire and extended coverage insurance in an amount which is in excess of the sum of all outstanding liens, deferred taxes, and interest with a loss payable clause to the governing body of the issuer as its interest may appear.

Section 5. On or before November 1 of each year, the tax collector shall notify each property owner to whom a tax deferral has been previously granted of the accumulated sum of deferred taxes and interest outstanding.

Section 6. (1) The tax collector shall notify each local governing body of the amount of taxes deferred which would otherwise have been collected for such governing body. The county shall then, at the time of the tax certificate sale held pursuant to s. 197.116, Florida Statutes, conduct a separate deferred payment tax certificate sale in the manner set forth in said section. The maximum rate of interest for deferred payment tax cer-

tificates shall be equal to the semiannually compounded rate of one-half of 1 percent plus the average yield to maturity of the long term fixed income portion of the Florida Retirement System investments as of the end of the quarter preceding the date of the sale of the deferred payment tax certificates as certified to the tax collector by the State Board of Administration.

(2) If there remain unsold certificates following the sale of deferred payment tax certificates in accordance with the procedure set forth in s. 197.116, Florida Statutes, the county shall:

(a) Hold the unsold certificates until such time as deferred taxes plus interest become due; or

(b) Offer the unsold certificates for purchase to the State Board of Administration. Upon such offer to the State Board of Administration, the board shall purchase said certificates.

(3) The certificates so held by the county or purchased by the State Board of Administration shall bear interest at a rate equal to the semiannually compounded rate of one-half of 1 percent plus the average yield to maturity of the long term fixed income portion of Florida Retirement System investments as of the end of the quarter preceding the date of the sale of the deferred payment tax certificates.

Section 7. (1) In the event that there is a change in ownership or use of tax-deferred property which change is such that such person is no longer entitled to claim homestead exemption for such property pursuant to s. 196.031(1), Florida Statutes, or such person fails to maintain the required fire and extended insurance coverage, the total amount of deferred taxes and interest for all previous years shall be due and payable November 1 of the year in which the change in use occurs and on the date a change in ownership takes place or failure to maintain insurance occurs, and shall be delinquent on April 1 of the year following the year in which the change in ownership, use, or failure to maintain insurance occurs.

(2) When, however, the change in ownership is to a surviving spouse and such spouse is eligible to claim homestead exemption on such property pursuant to s. 196.031(1), Florida Statutes, such surviving spouse may continue the deferment of previously deferred taxes and interest pursuant to the provisions of this act.

(3) Whenever the property appraiser discovers that there has been a change in the ownership or use of property which has been granted a tax deferral, or a failure to maintain insurance coverage thereon, he shall notify the tax collector in writing of the date such change occurs and the tax collector shall collect any taxes and interest due or delinquent.

(4) During any year in which the total amount of deferred taxes, interest, and all other unsatisfied liens on the homestead exceeds 85 percent of the assessed value of the homestead, the tax collector shall immediately notify the owner of the property on which taxes and interest have been deferred that the portion of taxes and interest which exceeds 85 percent of the assessed value of the homestead shall be due and payable within 30 days of receipt of the notice. Failure to pay the amount due shall cause the total amount of deferred taxes and interest to become delinquent.

(5) Each year, upon notification, each owner of property on which taxes and interest have been deferred shall submit to the tax collector a list of, and the current value of, all outstanding liens on the owner's homestead. Failure to respond to this notification within 30 days shall cause the total amount of deferred taxes and interest to become payable within 30 days.

Section 8. (1) All or part of the deferred taxes and accrued interest may at any time be paid to the tax collector by:

(a) The owner of the property or the spouse of the owner; or

(b) The next of kin of the owner, heir of the owner, child of the owner, or any person having or claiming a legal or equitable interest in the property, provided no objection is made by the owner within 30 days after the tax collector notifies the owner of the fact that such payment has been tendered.

(2) Any partial payment made pursuant to this section shall be applied first to accrued interest.

Section 9. When any deferred taxes or interest are collected, the tax collector shall maintain a record of the payment setting

forth a description of the property and the amount of taxes or interest collected for such property. The tax collector shall distribute payments received in accordance with the procedures for distribution of ad valorem taxes as prescribed in chapter 197, Florida Statutes.

Section 10. Nothing in this act shall be construed to prevent the collection of personal property taxes which become a lien against tax-deferred property, defer payment of special assessments to benefited property, or affect any provision of any mortgage or other instrument relating to property requiring a person to pay ad valorem taxes.

Section 11. (1) The following penalties shall be imposed on any person who willfully files incorrect information as required under sections 3 or 7:

(a) Such person shall pay the total amount of taxes and interest deferred, which amount shall immediately become due;

(b) Such person shall be disqualified from filing a homestead tax deferral application for the next 3 years; and

(c) Such person shall pay a penalty of 25 percent of the total amount of taxes and interest deferred.

(2) Any person against whom the penalties prescribed in this section have been imposed may appeal the penalties imposed to the Property Appraisal Adjustment Board within 30 days after said penalties are imposed.

Section 12. If any mortgagee shall elect to pay the taxes when an applicant qualifies for tax deferral, then such election shall not give the mortgagee the right to foreclose.

Section 13. Paragraph (d) is added to subsection (1) of section 194.032, Florida Statutes, to read:

194.032 Hearing complaints.—

(1) The ~~Property Appraisal Adjustment Board~~ ^{board of tax adjustment} shall meet on or before the 30th day following approval of all or any part of the assessment rolls by the Department of Revenue, for the following purposes:

(d) *Hearing appeals concerning ad valorem tax deferrals.*

Section 14. Paragraph (e) is added to subsection (2) of section 215.47, Florida Statutes, to read:

215.47 Investments; authorized securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investment under ss. 215.44-215.53, may be invested as follows:

(2) Not more than 10 percent of any fund in:

(e) *Deferred payment tax certificates offered for sale by a county pursuant to section 6(2)b. of this act.*

Section 15. This act shall take effect December 31, 1978.

Amendment 2—On page 1 in title, lines 1-31, strike the entire title and insert the following: A bill to be entitled An act relating to ad valorem taxation; authorizing persons entitled to homestead tax exemption to defer payment of a portion of the ad valorem taxes levied on the homestead; providing definitions; prescribing qualifications and procedures for applying for such deferral; prescribing limitations; providing for interest on deferred taxes; providing that deferred taxes constitute a lien on the homestead; prescribing procedures for maintaining records of deferred taxes and interest; providing for the sale of deferred payment tax certificates and providing procedures with respect thereto; prescribing times and circumstances in which deferred taxes become due and payable and delinquent; specifying conditions under which surviving spouse of owner may continue deferral; authorizing early payment or partial payment of deferred taxes or interest by certain persons; providing for collection of deferred taxes and interest; providing for distribution and deposit of deferred taxes and interest collected; providing penalties; adding s. 194.032(1) (d), Florida Statutes; providing for hearing of appeals; adding paragraph (e) to s. 215.47(2), Florida Statutes, allowing certain funds to be used to purchase deferred payment tax certificates; providing an effective date.

On motions by Senator Myers, the Senate concurred in the House Amendments.

SB 95 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Graham	Peterson	Thomas, Pat
Barron	Hair	Plante	Tobiassen
Chamberlin	Henderson	Poston	Trask
Childers, Don	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Sayler	Ware
Firestone	Lewis	Scarborough	Williamson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil
Gorman	Myers	Thomas, Jon	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Don Childers—

SB 598—A bill to be entitled An act relating to public schools; amending s. 233.17, Florida Statutes; altering the term of adoption for instructional materials; amending sections 233.14 and 233.16, Florida Statutes; providing conforming technical amendments; providing for a price escalation clause; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 16, strike *5-year* and insert: *6-year*

Amendment 2—On page 1, line 25, after “States” insert: *, provided that such increase shall not exceed 10 percent of the existing price*

On motion by Senator Don Childers, the Senate concurred in House Amendment 1. The vote was:

Yeas—20

Mr. President	Henderson	Renick	Trask
Childers, Don	Johnston	Sayler	Ware
Childers, W. D.	Lewis	Scott	Williamson
Gallen	Peterson	Thomas, Jon	Winn
Hair	Poston	Tobiassen	Zinkil

Nays—15

Castor	Gorman	McClain	Spicola
Chamberlin	Graham	Myers	Thomas, Pat
Firestone	Holloway	Scarborough	Vogt
Glisson	MacKay	Skinner	

On motion by Senator Don Childers, the Senate refused to concur in House Amendment 2 and the House was requested to recede.

Amendment 3—On page 2, line 21, after the comma (,) insert: *at the time the adoption period provided in the contract begins,*

Amendment 4—On page 2, line 23, insert: (3) Specimen copies of all *printed instructional materials* upon which bids or proposals are based shall be delivered by the bidder to each member of the State Instructional Materials Council. *Written descriptions or representative samples of each other instructional material upon which a bid or proposal is based shall be delivered for use by all members of the council.*

Amendment 5—On page 1 in title, line 5, after the semi-colon (;) insert: providing for instructional materials to be delivered to the Instructional Materials Council;

Amendment 6—On page 4, line 9, insert: (Add new Section 3; renumber present Section 3)

Section 3. Subsection (2) of section 233.25, Florida Statutes, is hereby amended to read:

(2) *Loan provide sample* copies of such *printed* materials in quantities to be determined by the Department ~~State Board~~ of Education to those districts participating in preadoption evaluations, or in lieu thereof, in the case of other instructional materials, descriptions and representative selections therefrom ~~regulations~~.

Amendment 7—On page 1 in title, line 7, after the semi-colon (;) insert: amending subsection (2) of section 233.25, Florida Statutes; providing that copies of materials or descriptions therefrom be loaned to participating districts;

On motions by Senator Don Childers, the Senate concurred in House Amendments 3, 4, 5, 6 and 7.

SB 598 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Henderson	Plante	Thomas, Pat
Childers, Don	Holloway	Poston	Tobiassen
Childers, W. D.	Johnston	Renick	Trask
Firestone	MacKay	Sayler	Ware
Gallen	McClain	Scarborough	Williamson
Gorman	Myers	Scott	Winn
Hair	Peterson	Thomas, Jon	Zinkil

Nays—6

Castor	Graham	Spicola	Vogt
Chamberlin	Skinner		

Vote after roll call:

Yea—Glisson

The Senate recessed at 12:02 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:00 p.m. A quorum present—39:

Mr. President	Gorman	Peterson	Thomas, Pat
Barron	Graham	Plante	Tobiassen
Castor	Hair	Poston	Trask
Chamberlin	Henderson	Renick	Vogt
Childers, Don	Holloway	Sayler	Ware
Childers, W. D.	Johnston	Scarborough	Williamson
Dunn	Lewis	Scott	Wilson
Firestone	MacKay	Skinner	Winn
Gallen	McClain	Spicola	Zinkil
Glisson	Myers	Thomas, Jon	

The Senate resumed consideration of—

SB 40—A bill to be entitled An act relating to condominiums; amending s. 718.501(3)(b), Florida Statutes, 1976 Supplement; reducing from \$25 to \$10 the fee required for filing with the Division of Florida Land Sales and Condominiums a complaint alleging a violation of the Condominium Act and seeking investigation, arbitration or enforcement by the division; providing an effective date.

Senator Hair presiding

Senator W. D. Childers moved the following amendment to House Amendment 15 (see Journal pages 560-1) which was adopted:

Amendment 4—On page 3, line 8, insert: Section 3. No more condominiums shall be built in Escambia, Santa Rosa, Walton, or Okaloosa Counties.

(Renumber subsequent sections.)

Senators W. D. Childers and Zinkil offered the following amendment to House Amendment 15 which was moved by Senator Childers and adopted:

Amendment 5—On page 3, line 8, insert: Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Renumber subsequent sections.)

Senator W. D. Childers moved the following amendment to House Amendment 16 which was adopted:

Amendment 1—On page 1 in title, line 5, after the semicolon insert: prohibiting condominiums from being built in Escambia, Santa Rosa, Walton, or Okaloosa Counties;

On motions by Senator Graham, the Senate concurred in House Amendments 15 and 16 as amended by the Senate amendments and the House was requested to concur.

The President presiding

SB 40 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Castor	Graham	Poston	Tobiassen
Chamberlin	Hair	Renick	Ware
Childers, Don	Henderson	Sayler	Williamson
Childers, W. D.	Holloway	Scarborough	Wilson
Dunn	Johnston	Scott	Winn
Firestone	Lewis	Spicola	Zinkil
Gallen	MacKay	Thomas, Jon	
Glisson	Peterson	Thomas, Pat	

Nays—4

Gorman	Myers	Skinner	Trask
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Votes after roll call:

Yeas—McClain, Vogt

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Graham—

SB 42—A bill to be entitled An act relating to education; amending s. 230.753(6), Florida Statutes; providing that the chairman of each community college board of trustees notify the Governor, in writing, whenever a board member fails to attend more than three regular board meetings in any one fiscal year; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 24, strike more than and insert: after three consecutive

Amendment 2—On page 1, line 25, strike shall and insert: may

Amendment 3—On page 1, line 25, insert following which: absences

Amendment 4—On page 1, line 26, insert: (7) A community college president shall be the executive officer and corporate secretary of the board of trustees as well as the chief administrative officer of the community college, and all the components of the institution and all aspects of its operation are responsible to the board of trustees through the president. When a vacancy occurs in the office of community college president, the board of trustees will select and appoint a person to fill that office. ~~with the approval of the Division of community colleges of the Department of Education.~~ Community college presidents so appointed shall serve until such time as they vacate their

offices or are removed ~~with the approval of the division~~ for good cause, ~~by the board of trustees.~~

Amendment 5—On page 1, line 27, insert: (8) The board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board all data and information required by the board in the performance of its duties.

Amendment 6—On page 1, lines 12-13, strike all of said lines and insert: Section 1. Subsections (6) and (7) of section 230.753, Florida Statutes, are amended, and subsection (8) is added to said section to read:

Amendment 7—On page 1 in title, line 8, after "fiscal year;" insert: providing that community college presidents shall be appointed and removed by the board of trustees; providing that the board may take action without recommendation of the president and require the president to produce information;

Amendment 8—On page 1, in title, lines 6-7, strike more than three regular and insert: three consecutive regular

Amendment 9—On page 1 in title, line 3, strike all of said line and insert: 230.753(6) and (7), Florida Statutes, and adding subsection (8) thereto; providing that

On motions by Senator Graham, the Senate concurred in the House Amendments.

SB 42 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Glisson	Peterson	Tobiassen
Castor	Gorman	Poston	Trask
Chamberlin	Graham	Renick	Vogt
Childers, Don	Johnston	Sayler	Williamson
Childers, W. D.	Lewis	Scarborough	Wilson
Dunn	MacKay	Spicola	Winn
Firestone	McClain	Thomas, Jon	Zinkil
Gallen	Myers	Thomas, Pat	

Nays—1

Skinner

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

On motion by Senator Lewis, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 985, 482, 612 and 1077 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Dunn, the rules were waived and by two-thirds vote HB 1234 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 560 was withdrawn from the Committee on Appropriations.

MATTERS ON RECONSIDERATION

The motion by Senator Graham on May 27 that the Senate reconsider the vote by which—

SB 1230—A bill to be entitled An act relating to the State University System; creating s. 240.145, Florida Statutes, pro-

hibiting the merger of state universities without legislative approval; providing an effective date.

—passed on May 27, was taken up and adopted; and the Senate reconsidered the vote.

On motions by Senator Graham, the Senate reconsidered the vote by which the Senate concurred in House Amendments 1 and 2.

Senator Graham moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 1, line 4, strike "There is hereby created a curriculum screening committee in each university and community college to review films and course curricula to determine the compliance with community standards on pornography. Said committee shall be composed of 12 faculty members which shall be chosen by the President of each university and community college and shall be representative of the entire faculty." and insert: The Board of Regents of the State University System and the board of trustees of each state community college are hereby directed to establish rules to permit each of the respective institutional presidents to form on each campus a special "Curriculum Screening Committee" on audio-visual materials to review such materials for the purpose of determining whether or not any of them is pornographic, applying contemporary community standards.

Senator Graham moved the following amendment to House Amendment 2 which was adopted:

Amendment 2—On page 1, strike lines 1-4 and insert: directing the Board of Regents and the boards of trustees of community colleges to establish rules to permit the presidents of such institutions to form a special committee to determine whether or not certain materials are pornographic;

On motions by Senator Graham, the Senate concurred in House Amendments 1 and 2 as amended by the Senate amendments and requested the House to concur.

SB 1230 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Glisson	Renick	Trask
Castor	Gorman	Sayler	Vogt
Chamberlin	Graham	Scarborough	Ware
Childers, Don	Hair	Scott	Williamson
Childers, W. D.	Johnston	Spicola	Wilson
Dunn	MacKay	Thomas, Jon	Winn
Firestone	McClain	Thomas, Pat	Zinkil
Gallen	Poston	Tobiassen	

Nays—None

Votes after roll call:

Yeas—Henderson, Myers, Peterson

SPECIAL ORDER

SB 852—A bill to be entitled An act relating to the judiciary; creating s. 38.24, Florida Statutes; providing annual base salary (2), 26.51, 34.024, 35.19, Florida Statutes, relating to salaries of judges; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 1—On page 1, strike all of lines 17 through and including line 26 and insert:

(1) Justices of the Supreme Court	46,000.00
(2) Judges of the District Courts of Appeal	43,700.00
(3) Judges of the Circuit Courts	41,400.00
(4) Judges of the County Courts:	
(a) In counties which have a population of more than 40,000 according to the most recent projected population as of July 1	39,100.00

(b) In counties which have a population of 40,000 or less according to the most recent projected population as of July 1 29,900.00

(c) Any county judge in a county which has a population of 40,000 or less according to the most recent projected population as of July 1 and who is eligible to serve as a circuit court judge, regardless of whether or not such judge has actually served as a circuit court judge 39,100.00

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Hair and failed:

Amendment 2—On page 1, strike all of line 14 through and including line 26 and insert:

(1) Judges of the state court system shall receive the following base salaries per annum, to be paid by the state in equal monthly installments:

(a) Justices of the Supreme Court	\$ 54,500.00
(b) Judges of the district courts of appeal	50,500.00
(c) Judges of the circuit courts	46,500.00
(d) Judges of the county courts:	

1. In counties which have a population of 40,000 or more according to the most recent projected population as of July 1 \$ 42,500.00

2. In counties which have a population of less than 40,000 according to the most recent projected population as of July 1 \$ 29,000.00

(2) Any county judge in a county which has less than 40,000 according to the most recent projected population as of July 1 and who is eligible to serve as a circuit court judge, regardless of whether or not such judge has actually served as a circuit court judge \$ 42,500.00

On motion by Senator Dunn, by two-thirds vote SB 852 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Graham	Peterson	Thomas, Jon
Chamberlin	Hair	Plante	Thomas, Pat
Childers, Don	Henderson	Poston	Tobiassen
Childers, W. D.	Holloway	Renick	Trask
Dunn	Johnston	Sayler	Vogt
Firestone	Lewis	Scarborough	Ware
Gallen	MacKay	Scott	Wilson
Glisson	McClain	Skinner	Winn
Gorman	Myers	Spicola	Zinkil

Nays—None

Abstained from Voting

I did not vote on SB 852 regarding judges salaries because my husband is a County Judge in Hillsborough County.

Betty Castor, 23rd District

SB 658—A bill to be entitled An act relating to district courts of appeal; amending s. 35.06, Florida Statutes, 1976 Supplement; increasing the number of judges; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendment which was moved by Senator Firestone and adopted:

Amendment 1—On page 1, line 29, strike "July 1, 1977" and insert: January 1, 1978

On motion by Senator Firestone, by two-thirds vote SB 658 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gorman	Poston	Tobiassen
Castor	Graham	Renick	Trask
Chamberlin	Hair	Saylor	Vogt
Childers, Don	Johnston	Scott	Ware
Childers, W. D.	MacKay	Skinner	Williamson
Firestone	McClain	Spicola	Wilson
Gallen	Myers	Thomas, Jon	Winn
Glisson	Peterson	Thomas, Pat	Zinkil

Nays—None

Vote after roll call:

Yea—Dunn

SB 1296—A bill to be entitled An act relating to courts; amending s. 26.031(1)(a), (m), Florida Statutes, 1976 Supplement; providing an additional circuit judge in each of the First and Thirteenth Judicial Circuits; amending s. 34.022(6), Florida Statutes, 1976 Supplement; providing three additional county court judges in Broward County; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendments which were moved by Senator Spicola and adopted:

Amendment 1—On pages 1 and 2, strike all of sections 2, 3 and 4 and insert: Section 2. This act shall take effect January 1, 1978.

Amendment 2—On page 1 in title, lines 6 through 9, strike “amending S. 34.022(6) Florida Statutes, 1976 Supplement, providing three additional county court judges in Broward County; providing an appropriation;”

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator Spicola and failed:

Amendment 3—On page 2, strike all of line 3 through and including line 12

(Renumber subsequent section.)

Amendment 4—On page 1 in title, line 9, strike “providing an appropriation;”

On motion by Senator Spicola, by two-thirds vote SB 1296 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Poston	Trask
Castor	Henderson	Renick	Vogt
Chamberlin	Holloway	Saylor	Ware
Childers, Don	Johnston	Scarborough	Williamson
Childers, W. D.	Lewis	Scott	Wilson
Dunn	MacKay	Skinner	Winn
Firestone	McClain	Spicola	Zinkil
Gallen	Myers	Thomas, Jon	
Glisson	Peterson	Thomas, Pat	
Gorman	Plante	Tobiassen	

Nays—None

Vote after roll call:

Yea—Graham

SB 888—A bill to be entitled An act relating to state attorneys; amending s. 27.35, Florida Statutes; providing for salaries of state attorneys; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 1, strike all of lines 16-18 and insert:

(a) In those circuits having a population of 1,000,000 or less \$28,000 \$41,400

Amendment 2—On page 1, line 23, strike “This act shall take effect July 1, 1977.” and insert: Section 27.5301, Florida Statutes is amended to read:

27.5301 Salaries of Public Defenders and Assistant Public Defenders.

(1)(a) The salaries of public defenders shall be fixed in paragraph (b) and any subsequent appropriation act based on population categories of the various judicial circuits at \$39,100.

(b) The annual salaries of the public defenders shall be as follows:

1. In those circuits having a population of 100,000 or less	\$25,000
2. In those circuits having a population of more than 100,000 but less than 200,000	\$27,000
3. In those circuits having a population of more than 200,000	\$29,000

Section 3. This act shall take effect July 1, 1977.

On motions by Senator Dunn, The Senate reconsidered the votes by which Amendments 1 and 2 were adopted.

Senator Dunn moved the following substitute amendment for Amendment 1 which was adopted:

Amendment 3—On page 1, line 16, strike “\$46,500 and insert: \$41,400

Senator Dunn moved the following substitute amendment for Amendment 2 which was adopted:

Amendment 4—On page 1, between lines 22 and 23, insert: Section 2. Subsection (1) of section 27.5301, Florida Statutes, is amended to read:

27.5301 Salaries of Public Defenders and Assistant Public Defenders.—

(1)(a) The salaries of public defenders shall be fixed in paragraph (b) and any subsequent appropriation act based on population categories of the various judicial circuits at \$39,100.

(b) The annual salaries of the public defenders shall be as follows:

1. In those circuits having a population of 100,000 or less	\$25,000
2. In those circuits having a population of more than 100,000 but less than 200,000	\$27,000
3. In those circuits having a population of more than 200,000	\$29,000

(Renumber subsequent section.)

Senator Dunn moved the following amendment which was adopted:

Amendment 5—On page 1 in title, line 4, after the semi-colon insert: amending s. 27.5301, Florida Statutes; providing for the salary of public defenders;

On motion by Senator Dunn, by two-thirds vote SB 888 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dunn	Hair	Poston
Barron	Firestone	Henderson	Renick
Castor	Gallen	Johnston	Scarborough
Chamberlin	Glisson	MacKay	Scott
Childers, Don	Gorman	McClain	Skinner
Childers, W. D.	Graham	Peterson	Spicola

Thomas, Jon	Trask	Williamson	Zinkil
Thomas, Pat	Vogt	Winn	
Tobiassen	Ware		

Nays—None

Consideration of SB 137 was deferred.

SB 782—A bill to be entitled An act relating to motor vehicle license revenues; amending s. 320.20, Florida Statutes; providing for deposit of a portion of the revenues other than the first proceeds in the State Transportation Trust Fund; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendment which was moved by Senator Myers:

Amendment 1—On page 1, line 25, strike "85 percent" and insert: 50 percent

Senator Myers moved the following substitute amendment which was adopted:

Amendment 2—On page 1, strike all of line 25 through and including line 27 and insert: (a) 60 percent in the State Transportation Trust Fund, and (b) 40 percent in the General Revenue Fund

The Committee on Appropriations offered the following amendment which was moved by Senator Myers and failed:

Amendment 3—On page 1, line 27, strike "15 percent" and insert: 50 percent

On motion by Senator Myers, by two-thirds vote SB 782 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Castor	Hair	Plante	Tobiassen
Chamberlin	Henderson	Poston	Trask
Childers, Don	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Dunn	Lewis	Scott	Williamson
Firestone	MacKay	Skinner	Winn
Gallen	McClain	Spicola	Zinkil
Gorman	Myers	Thomas, Jon	
Graham	Peterson	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Glisson

By the Committee on Personnel, Retirement and Collective Bargaining and Senator Spicola—

CS for SB 301—A bill to be entitled An act relating to justices and judges; amending s. 25.073, Florida Statutes, providing that retired justices of the Supreme Court or retired judges of a district court of appeal or circuit or county court assigned to active judicial service shall receive \$100 for each day or portion of a day of such service; limiting temporary assignment to 100 calendar days per year; providing an effective date.

—was read the first time by title and SB 301 was laid on the table.

On motions by Senator Spicola, by two-thirds vote CS for SB 301 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Childers, Don	Glisson	Hair
Castor	Childers, W. D.	Gorman	Henderson
Chamberlin	Firestone	Graham	Holloway

Johnston	Peterson	Scott	Tobiassen
Lewis	Plante	Skinner	Trask
MacKay	Poston	Spicola	Vogt
McClain	Renick	Thomas, Jon	Winn
Myers	Scarborough	Thomas, Pat	Zinkil

Nays—None

SB 1213—A bill to be entitled An act relating to guardianship; amending s. 744.337(1), Florida Statutes; providing that when a petition for appointment alleges that the person has been adjudicated incompetent the court shall hear the petition without notice if it is filed at the conclusion of the adjudication hearing; amending ss. 744.441, 744.444, Florida Statutes, providing that certain acts which require court approval may be performed without such approval and providing that certain acts which do not require court approval shall require such approval; providing an effective date.

—was read the second time by title.

Senator Jon Thomas moved the following amendments which were adopted:

Amendment 1—On page 6, strike all of line 31 and insert: Section 4. Paragraph (i) of subsection (2) of section 744.3105, Florida Statutes, is amended to read:

744.3105 Petition for appointment of guardian.—

(2) No guardian of the person or of the property, or both, of a person alleged to be mentally or physically incompetent shall be appointed until after the person has been adjudicated to be incompetent in proceedings instituted for that purpose, in the following manner:

(i) *When a person is adjudicated mentally or physically incompetent, a guardian of the person shall be appointed and a guardian of the property. After an adjudication of incompetency, a guardian of either the person or the property, or both, of the person may be appointed.*

Section 5. This act shall take effect October 1, 1977.

Amendment 2—On page 1, line 14 in title, insert after "": amending s. 744.3105(2)(i), Florida Statutes; mandating that a guardian be appointed for any person declared to be legally incompetent

On motion by Senator Scott, by two-thirds vote SB 1213 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—23

Mr. President	Gorman	Lewis	Vogt
Castor	Graham	McClain	Ware
Dunn	Hair	Renick	Williamson
Firestone	Henderson	Scott	Winn
Gallen	Holloway	Spicola	Zinkil
Glisson	Johnston	Trask	

Nays—6

Childers, Don	Scarborough	Tobiassen	Wilson
Childers, W. D.	Skinner		

Votes after roll call:

Yeas—Peterson, Jon Thomas

Nay—Pat Thomas

Consideration of SB 1219 was deferred.

SB 1093—A bill to be entitled An act relating to funding for certain revenue producing projects; authorizing the Department of Transportation to covenant to complete a certain revenue producing project; providing approval therefor; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendments which were moved by Senator Spicola and failed:

Amendment 1—On page 1, line 23, after the word "as" insert: Part I of

Amendment 2—On page 1, line 29, strike "I-75" and insert: Palm River Road

Amendment 3—On page 2, strike lines 1 through 15 and insert: thence, extending easterly to a connection with Palm River Road. No further approval by the Legislature shall be required under Section 339.12(5)(d), Florida Statutes.

Senator Spicola moved the following amendment which was adopted:

Amendment 4—On pages 1 and 2, strike everything after the enacting clause and insert: Section 1. The Department of Transportation is hereby authorized to covenant to complete a revenue producing transportation project to be designated as Part I of the 1978 Project, a part of the Hillsborough County expressway system, which project is to be financed principally from not to exceed \$115,000,000 State of Florida expressway bonds, series of 1978, issued for and on behalf of the Tampa-Hillsborough County Expressway Authority. No bonds shall be sold until the Authority and the Department shall have made updated cost estimates based on the most current information for the project and shall have determined that the total project cost will not exceed projected available funds, excluding the first gas tax. Should the determination reveal that projected available funds are not sufficient for the project, the Department's covenant to complete shall be null and void.

(2) Such project shall consist of: Tampa South Crosstown Expressway Eastern Extension to Palm River Road, a four-lane, divided, limited access, expressway toll facility beginning at the Morgan Street Interchange in downtown Tampa, thence, extending easterly to a connection with Palm River Road and includes six interchanges and five grade separations.

(3) In the lease purchase agreement, the Department of Transportation shall provide for the expeditious repayment of any and all costs incurred by the Department as a result of the covenant to complete authorized herein. The agreement shall provide for such repayment from the second gas tax proceeds not required to fulfill the requirements for payment of principal, interest and reserves on the 1971 Bonds and the 1978 Bonds. The agreement will provide for the expeditious reimbursement of all operating and maintenance costs. Operating costs will be reimbursed annually for this facility to the Department from funds available to the county or from primary road funds allocated to the Department's First District for the county.

(4) The department's covenant to complete shall not be valid for project additions proposed by the authority unless approved by the Legislature pursuant to the provisions of s. 339.12 (5) (d). Monies in the project construction fund shall not be disbursed or obligated for the purposes of construction of any project additions, until the Department has certified that sufficient funds have been provided for the construction of Part I of the 1978 project.

Section 2. This act shall take effect July 1, 1977.

On motion by Senator Spicola, by two-thirds vote SB 1093 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gorman	Renick	Trask
Castor	Graham	Saylor	Vogt
Chamberlin	Hair	Scarborough	Ware
Childers, Don	Holloway	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Wilson
Dunn	MacKay	Spicola	Winn
Firestone	McClain	Thomas, Jon	
Gallen	Peterson	Thomas, Pat	
Glisson	Poston	Tobiassen	

Nays—None

Votes after roll call:

Yeas—Henderson, Lewis.

By the Committee on Natural Resources and Conservation and Senator Spicola—

CS for SB 1131—A bill to be entitled An act relating to endangered and threatened species of fish and wildlife; providing a short title; providing a declaration of policy; providing definitions; providing for an advisory council; encouraging a co-operative public education program; providing for an annual report from the Game and Fresh Water Fish Commission; providing an effective date.

—was read the first time by title and SB 1131 was laid on the table.

On motion by Senator Spicola, by two-thirds vote CS for SB 1131 was read the second time by title.

Senator Spicola moved the following amendments which were adopted:

Amendment 1—On page 4, line 15, strike all of Section 7 and insert: Section 7. Purpose.—It is the purpose of the Legislature to:

(1) Promote the effective and efficient control of aquatic weeds through maximum utilization of all sources of funds;

(2) Vest regional and local governments with the responsibility for the conduct of effective aquatic weed control programs within their respective jurisdictions; and

(3) Provide financial assistance, supervision, and guidance at the state level for regional and local aquatic weed control programs.

Section 8. Definitions.—As used in ss. 7 through 24:

(1) "Aquatic plant" means any plant growing in or closely associated with the fresh water aquatic environment, including "floating", "emersed", "submersed", and "ditch-bank" species.

(2) "Aquatic weed" means any aquatic plant designated by rule adopted by the Game and Fresh Water Fish Commission which, when present in large numbers, becomes a nuisance or endangers the public health, safety, or welfare.

(3) "Aquatic weed control program" means a method for the control of aquatic weeds using techniques capable of maintaining the population of an aquatic weed at a reasonably acceptable level.

(4) "Commission" means the Game and Fresh Water Fish Commission.

(5) "District" means a water management district established pursuant to chapter 373, Florida Statutes.

(6) "Unit of local government" means a municipality, county, or special district other than a water management district.

(7) "Waters" includes rivers, streams, springs, ponds, lakes, impoundments, and all other natural or man-made surface bodies of fresh water.

Section 9. Aquatic weed list.—The commission shall adopt by rule a list of aquatic plants determined by the commission to be aquatic weeds. The list shall be reviewed at least annually and revised as necessary.

Section 10. Permits.—No person shall knowingly import or sell, or transport or transfer between waters within this state, or knowingly place, cultivate, or propagate within this state any aquatic weed. No person shall import, sell, transport, transfer, place, cultivate, or propagate within this state any aquatic plant which is not native to the state without a permit from the commission, such permit to be issued only upon a determination by the commission that the plant will not become an aquatic weed. The commission may prepare a list of aquatic plants which are not native to the state, but which the commission determines pose no threat to the waters, fish, or wildlife within the state, and may provide that aquatic plants so listed may be sold or imported under a statewide general permit.

Section 11. Sales; registration; inspection.—Any person who sells aquatic plants within this state shall register with the commission annually. The registration shall be accompanied by a \$10 registration fee and a list showing the common name, the genus, and, when known, the species of aquatic plants sold by such person in the past year. The commission may inspect the business premises of any person selling aquatic plants during normal business hours to determine that no aquatic weed or unpermitted aquatic plant not native to the state is being sold. If any aquatic weed or unpermitted aquatic plant not native to the state is found, the commission shall confiscate and destroy it.

Section 12. Aquatic weed control program.—The commission, districts, and units of local government shall have the responsibility to carry out aquatic weed control programs within their respective jurisdictions.

Section 13. Powers and duties of the commission.—The commission shall have the power and the duty to:

(1) Exercise general administration of, supervision over, and enforcement of the state aquatic plant program not otherwise assigned by this act to the districts or units of local government.

(2) Administer the Aquatic Plant Control Trust Fund and by rule develop funding formulas, based upon need, for allocation of trust funds to the districts. In developing the formulas and allocating the funds, the commission shall:

(a) Require each district to submit annual requests for funding, such requests to provide such justification and information as the commission may require;

(b) Require each district to prepare and maintain a district aquatic weed control plan coordinated with local, other district, and state plans;

(c) Require each district to match any state funds received on at least an equal basis; and

(d) Approve for each district an equitable program for disbursing state and district funds to units of local government which apply to the district for funding assistance for local aquatic weed control programs and which agree to match state and district funds on at least an equal basis.

(3) Adopt, amend, and repeal rules governing the approved methods of aquatic weed control, including but not limited to use of mechanical equipment and, after consultation with the Department of Agriculture and Consumer Services with respect to restricted pesticides, chemical application procedures.

(4) Conduct and coordinate research on the aquatic weed problem and methods of aquatic weed control, including water level manipulation, mechanical, chemical, and biological control, and contract or enter into agreements with public or private agencies or corporations for research and development of aquatic weed control methods.

(5) Develop an overall state plan for the control of aquatic weeds in coordination with the districts and units of local government.

(6) Maintain records of aquatic weed control programs of the districts and units of local government and prepare and submit an annual report on the overall aquatic weed control program and plans in the state, such report to be submitted to the Governor and the Legislature at the end of each fiscal year; provided that the first report shall be submitted by March 1, 1978 and shall include recommendations on sources of additional funds for aquatic weed control programs and a timetable for the eventual withdrawal of the commission from the general operation of aquatic weed control programs.

(7) Act as state liaison and coordinating agency between the districts and units of local government and all other state agencies and with federal agencies concerned with the control of aquatic weeds, and, if necessary, form interagency advisory councils to advise on aquatic weed control programs and methods.

Section 14. Powers and duties of the districts.—Each district shall have the power and the duty to:

(1) Conduct aquatic weed control programs within the district in conformance with the state and district plans and with rules of the commission relating to approved methods of aquatic weed control.

(2) Adopt reasonable rules governing, and exercise general supervision over, aquatic weed control programs of units of local government.

(3) Administer the aquatic weed control funds of the district, including state funds received by the district, and disburse funds to units of local government which apply to the district for assistance with local aquatic weed control programs and which agree to match state and district funds on at least an equal basis. In disbursing funds, the district shall:

(a) Require an application providing such justification and other information as the district may require;

(b) Require assurances that local funds are available and will be used, on at least an equal matching basis;

(c) Require such reporting as the district deems necessary; and

(d) Require that each aquatic weed control program be conducted by and under the supervision of a licensed certified applicator and according to rules of the commission and the district relating to approved methods of aquatic weed control.

(4) Develop a districtwide aquatic weed control plan which is coordinated with state plans, the plans of other districts, and plans developed by units of local government.

(5) Maintain such records and make such reports as the commission may require.

(6) Coordinate aquatic weed control programs with other districts and with units of local government and ensure that no duplication of effort occurs.

(7) Prepare and submit an annual request for funding to the commission pursuant to this act and rules of the commission.

Section 15. Powers and duties of units of local government.—Each unit of local government shall have the power and the duty to:

(1) Conduct aquatic weed control programs within its jurisdiction in accordance with rules of the district and the commission.

(2) Apply for and accept funding for aquatic weed control programs from the district and to match district funds on at least an equal basis.

(3) Develop aquatic weed control plans in coordination with the district and with neighboring units of local government.

(4) Maintain such records and make such reports as the district may require.

Section 16. Privately-owned waters.—Any person who is the sole owner of a body of water may apply to the district in which that body of water is located and request that the district conduct an aquatic weed control program in that body of water. The district, upon a determination that such body of water is directly connected to other bodies of water, may conduct an aquatic weed control program in the body of water without cost to the owner. Upon a determination by the district that the body of water in question is not connected to any other body of water, the district may conduct an aquatic weed control program and assess the actual costs thereof against the owner. Nothing herein shall affect the right of any person to conduct aquatic weed control on his property if such program is conducted pursuant to district and commission rules and under the supervision of and by a licensed certified applicator. The district shall be notified 30 days prior to the start of any such aquatic weed control program.

Section 17. Aquatic weed control programs; permit exemptions.—

(1) No district or unit of local government or agent or employee of any district or unit of local government conducting an aquatic weed control program under provisions of this act shall be required to obtain a permit from the Department of Environmental Regulation under chapter 403, Florida Statutes.

(2) Nothing herein shall exempt any person from the provisions of s. 403.141(4), Florida Statutes. Except for damages resulting from improper conduct of an aquatic weed

control program as provided in that subsection, the discharge of chemicals into waters for the control of aquatic weeds pursuant to this act shall not constitute pollution or a violation of state law or rules relating to water quality.

Section 18. Control methods.—Aquatic weed control programs may utilize mechanical, chemical, or biological methods of control. The use of biological agents in the control of aquatic weeds is encouraged. However, no person shall use a biological agent which has not been approved by the commission as an agent which poses no significant danger to indigenous species of aquatic plants or other aquatic life, including fish and birds.

Section 19. Penalty.—

(1) Any person who violates any of the provisions of section 10 of this act is, upon first offense, guilty of a misdemeanor of the second degree punishable as provided in s. 775.082 and s. 775.083, Florida Statutes, and upon second or subsequent offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 and s. 775.083, Florida Statutes.

(2) Any person who sells an aquatic plant without being registered with the commission as required by section 11 of this act is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083, Florida Statutes.

(3) Any person who conducts an aquatic weed control program in violation of any provision of this act or the rules adopted hereunder is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 and s. 775.083, Florida Statutes.

Section 20. Transfer of authority.—The powers, duties, and functions of the Department of Natural Resources relating to the management and control of aquatic plants and aquatic weeds as provided by s. 372.925 and s. 372.932, Florida Statutes, are transferred to the Game and Fresh Water Fish Commission by a type four transfer, as defined in s. 20.06(4), Florida Statutes.

Section 21. Section 213.11, Florida Statutes, is amended to read:

213.11 Gasoline tax; transfer to *Game and Fresh Water Fish Commission* ~~Department of Natural Resources~~.—The Department of Revenue is directed to pay and transfer to the *Game and Fresh Water Fish Commission* ~~Department of Natural Resources~~, or to such other successor agency as may be charged with controlling ~~noxious aquatic weeds vegetation~~ in this state, a sum equal to 2 percent of all revenue collected under the first gasoline tax, imposed by chapter 206. However, such revenue collected under the first gas tax shall not exceed two million eight hundred thousand dollars. Such sum shall be transferred by the Department of Revenue at the same time the remainder of the first gasoline tax is transferred into the state transportation trust fund, as provided for in s. 206.45(1). All funds so transferred to the *Game and Fresh Water Fish Commission* ~~Department of Natural Resources~~ or other agency shall be used for eradication, control, and research of ~~water hyacinths and noxious aquatic weeds vegetation~~.

Section 22. Aquatic Plant Control Trust Fund.—

(1) Funds collected pursuant to s. 213.11 and deposited in the Aquatic Plant Control Trust Fund to the greatest extent practicable shall be distributed by the Game and Fresh Water Fish Commission to the water management districts created pursuant to chapter 373 and shall be used for the control of aquatic weeds within the respective districts.

(2) Funds deposited pursuant to s. 371.171 in the Aquatic Plant Control Trust Fund shall be used for administration of the state aquatic plant program and for research on methods of control of aquatic weeds.

(3) The commission may accept grants or donations from the Federal Government or other sources, public or private for deposit in the Aquatic Plant Control Trust Fund and shall have the authority to cooperate with the Federal Government and enter into such agreements, commitments, or contracts necessary to carry out control or research operations on aquatic weeds and obligate the state to indemnify and hold harmless the Federal Government from any and all claims and liabilities arising out of the operations of any project undertaken pursuant to this section. Such claims and liabilities shall be paid out of the Aquatic Plant Control Trust Fund.

Section 23. Sections 372.925, 372.932, and 403.271, Florida Statutes, are hereby repealed.

Section 24. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 25. This act shall take effect October 1, 1977.

Amendment 2—On page 1 in title, line 9, after the semicolon insert: requiring the Game and Fresh Water Fish Commission to adopt a list of aquatic weeds; prohibiting the importation, sale, transportation, transfer, placement, cultivation, or propagation of aquatic weeds or of aquatic plants which are not native to this state without a permit from the commission; providing for permits; providing for registration and inspection or sellers of aquatic plants and for confiscation and destruction of nonnative aquatic plants; prescribing a registration fee; apportioning responsibility for carrying out aquatic weed control programs among water management districts, units of local government, and the commission; providing for aquatic weed control in privately-owned waters; exempting the district and units of local government from the permit requirements of chapter 403, Florida Statutes, and limiting damages allowed by said chapter; specifying allowable methods to be used to control aquatic weeds; providing penalties; transferring the powers, duties, and functions of the Department of Natural Resources with respect to control of aquatic plants and weeds to the commission; amending s. 213.11, Florida Statutes, relating to the use of gasoline tax funds for eradication, control, and research of water hyacinths and noxious aquatic vegetation; providing for the distribution and use of moneys contained in the Aquatic Plant Control Trust Fund; repealing ss. 372.925, 372.932, 403.271, Florida Statutes, relating to the Florida Aquatic Weed Control Act, the Florida Nonindigenous Aquatic Plant Control Act, and permits for importing aquatic plants;

On motion by Senator Spicola, by two-thirds vote CS for SB 1131 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	Poston	Trask
Barron	Graham	Renick	Vogt
Castor	Hair	Saylor	Ware
Chamberlin	Henderson	Scarborough	Williamson
Childers, Don	Holloway	Scott	Wilson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	Lewis	Spicola	Zinkil
Firestone	MacKay	Thomas, Jon	
Gallen	McClain	Thomas, Pat	
Glisson	Myers	Tobiasen	

Nays—None

By the Committee on Commerce and Senator Winn—

CS for SB 773—A bill to be entitled An act relating to the Department of Commerce; adding s. 20.17(12), Florida Statutes; creating the Motion Picture and Television Advisory Council within the department; providing functions of the council; providing for the composition of and appointment of the members of the council; providing for terms of office; providing reimbursement for necessary travel expenses of the members; providing an effective date.

—was read the first time by title and SB 773 was laid on the table.

On motions by Senator Renick, by two-thirds vote CS for SB 773 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Childers, W. D.	Gallen	Hair
Castor	Dunn	Glisson	Henderson
Childers, Don	Firestone	Graham	Holloway

Johnston
Lewis
MacKay
McClain
Peterson
Poston

Renick
Saylor
Scarborough
Scott
Skinner
Spicola

Thomas, Jon
Thomas, Pat
Tobiassen
Trask
Vogt
Ware

Williamson
Winn
Zinkil

Florida Administrative Code, are met, and provided that such development is done only after written notification of such intended development to the health department of the county in which such lots are situated.

Section 3. This act shall take effect on October 1, 1977.

Nays—1

Chamberlin

Vote after roll call:

Yea—Gorman

SB 1176—A bill to be entitled An act relating to driver licenses; creating s. 322.291, Florida Statutes; requiring certain persons whose driving privileges have been revoked or suspended to enroll in an approved driver training or alcohol education course before the driving privilege is reinstated; providing for suspension of the driver's license until such course is successfully completed; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Poston and adopted:

Amendment 1—On page 1, strike all of line 30 and insert: driver license shall be cancelled by the department until

Amendment 2—On page 1 in title, strike all of line 8 and insert: providing for cancellation of the driver's

On motion by Senator Poston, by two-thirds vote SB 1176 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President
Castor
Childers, Don
Childers, W. D.
Dunn
Firestone
Gallen
Glisson

Gorman
Graham
Hair
Henderson
Holloway
Johnston
Lewis
MacKay

McClain
Myers
Poston
Renick
Saylor
Spicola
Thomas, Jon
Thomas, Pat

Tobiassen
Trask
Vogt
Williamson
Winn
Zinkil

Nays—3

Chamberlin Scarborough Ware

Vote after roll call:

Yea—Wilson

SB 900—A bill to be entitled An act relating to public health; adding s. 381.272(7), Florida Statutes; allowing the use of individual sewage disposal facilities under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Renick and adopted:

Amendment 1—On page 1, line 21, strike all of section 2 and insert: a new section 2 and section 3 as follows:

Section 2. Subsection (8) is added to section 381.272, Florida Statutes, to read:

(8) Notwithstanding any other provision of this chapter, all undeveloped residential lots platted prior to 1972, unless public sewage disposal facilities are available, may be developed with a minimum distance of 75 feet between any private well and an individual sewage disposal system, or with a public water supply and an individual sewage disposal system, provided that all soil condition, water table elevation and other non-distance related requirements of Chapter 10D-6,

Amendment 2—On page 1 in title, line 3, after (7) insert: and (8)

Senator Scott presiding

On motion by Senator Renick, by two-thirds vote SB 900 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Castor
Childers, W. D.
Dunn
Firestone
Gallen
Glisson
Gorman

Hair
Henderson
Holloway
Lewis
McClain
Peterson
Plante

Poston
Renick
Saylor
Scarborough
Skinner
Spicola
Thomas, Jon

Thomas, Pat
Tobiassen
Trask
Ware
Winn

Nays—9

Chamberlin
Childers, Don
Graham

Johnston
MacKay
Vogt

Williamson
Wilson

Zinkil

The President presiding

Senator Scarborough moved that the Senate reconsider the vote by which SB 900 passed. The motion failed.

SB 1140—A bill to be entitled An act relating to the Beverage Law; amending s. 562.11, Florida Statutes, relating to the illegal furnishing of alcoholic beverages to minors, to provide that such a violation must be knowingly committed; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Williamson and adopted:

Amendment 1—On page 2, line 14, insert: a new Section 2. and renumber subsequent section:

Section 2. The provisions of this act shall not affect any cause of action existing on the date this act shall become effective.

Senator Williamson moved the following amendment which was adopted:

Amendment 2—On page 1, line 15, strike "knowingly"

The Committee on Commerce offered the following amendment which was moved by Senator Williamson and adopted:

Amendment 3—On page 1 in title, line 6, after "committed;" insert: providing a saving clause;

Pending further consideration of SB 1140 as amended, on motion by Senator Williamson, the rules were waived and by two-thirds vote HB 931 was withdrawn from the Committee on Rules and Calendar and placed on the calendar. On motion by Senator Williamson—

HB 931—A bill to be entitled An act relating to the Beverage Law; amending s. 562.11, Florida Statutes, relating to the illegal furnishing of alcoholic beverages to minors, to provide that such a violation must be committed; providing a saving clause; providing an effective date.

—a companion measure, was substituted for SB 1140 and read the second time by title.

Senator Williamson moved the following amendment:

Amendment 1—On page 1, line 19, after the word "premises" strike the period "." and insert: Wherein the person selling, giving, serving or permitting the serving or consuming of said beverages knew or should have known that the person receiving or consuming said beverages is under 18 years of age.

Senator Dunn moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—Strike "or should" and insert: or with the exercise of reasonable diligence should have known

Amendment 1 as amended was adopted.

Senator Williamson moved the following amendment:

Amendment 2—On page 2, line 13, after the period "." insert: (4) It shall be a defense to prosecution under the provisions of this section that the person selling, giving, or serving said beverages reasonably relied upon a false or fictitious identification produced by the person to whom the alcoholic beverages were sold, given, or served and that the person selling, giving, or serving said beverages did not have actual knowledge of the recipient's age.

Senator Dunn moved the following substitute amendment for Amendment 2:

Amendment 3—On page 2, line 4, insert: (4) It shall be a duty imposed upon all licensees, their agents, and employees under this chapter to take all reasonable precautions in the sale or other disposition of alcoholic beverages to insure that such sale or disposition is not made to persons under the age of 18 years.

Amendment 3 was adopted by the following vote:

Yeas—17

Chamberlin	Graham	Myers	Wilson
Childers, Don	Holloway	Peterson	Winn
Dunn	Johnston	Poston	
Firestone	Lewis	Renick	
Glisson	MacKay	Trask	

Nays—12

Mr. President	Gorman	Scarborough	Thomas, Jon
Barron	Hair	Scott	Williamson
Gallen	McClain	Skinner	Zinkil

Votes after roll call:

Yeas—W. D. Childers, Spicola, Tobiasen, Ware

Yea to Nay—Myers

Senator Williamson moved the following amendment which was adopted:

Amendment 4—On page 1, in title, line 6, after the word "committed" strike the semicolon ";" and insert: Wherein the violator knew or should have known the recipient was under 18 years of age;

On motion by Senator Williamson, by two-thirds vote HB 931 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Firestone	McClain	Tobiasen
Barron	Gallen	Renick	Vogt
Castor	Glisson	Scarborough	Williamson
Chamberlin	Gorman	Scott	Wilson
Childers, W. D.	Henderson	Skinner	Winn
Dunn	Lewis	Thomas, Jon	

Nays—11

Childers, Don	Johnston	Peterson	Ware
Graham	MacKay	Poston	Zinkil
Holloway	Myers	Trask	

Votes after roll call:

Nay—Spicola

Yea to Nay—Scott, Vogt

SB 1140 was laid on the table.

On motion by Senator Lewis, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider Senate Bills 511 and 512 this day.

SB 885—A bill to be entitled An act relating to agreements to provide care for life or for a term of years; repealing ss. 651.01-651.12, Florida Statutes, relating to such agreements; creating ss. 651.20-651.44, Florida Statutes; providing for regulation of such agreements and persons offering such agreements; providing definitions; providing for administration by the Department of Insurance; providing rule-making authority; requiring a certificate of authority for any person to engage in the business of providing continuing care; prescribing information to be filed with the department with an application for a certificate of authority; requiring annual statements; providing requirements for provisional certificates of authority, including feasibility studies; prescribing fees for applications for and renewal of certificates of authority, investigations, and provisional certificates; providing for renewal of certificate; requiring a designated net worth and financial reserves to be maintained; providing for use of reserves for certain investment purposes; requiring property other than money or securities given as payment for a continuing care contract to be converted into money; providing an exception; requiring assets and records to be maintained in the state unless the department consents to removal; requiring certain provisions in continuing care agreements; providing a right to rescind; providing that no person living in a continuing care facility may be dismissed without just cause; providing a refund to certain dismissed or discharged persons; providing that statutory protection under chapter 651, Florida Statutes, may not be waived; providing that continuing care agreements are preferred claims in liquidation proceedings; providing for organizations composed of persons living in continuing care facilities; providing for quarterly meetings between members and the governing body of the facility; requiring such facilities to make certain records public and to post certain information; requiring disclosure before entering a continuing care agreement; requiring that all advertisements with respect to continuing care agreements to be approved by the department; providing penalties for violation of advertising regulations; directing the department to periodically inspect continuing care facilities and audit records; providing for public requests for such inspections and audits; providing for correction of deficiencies and administrative fines; providing for the department to take possession of the property of a continuing care provider and conduct the business thereof under certain conditions; providing for the department to be appointed a receiver with power to liquidate assets in certain cases; creating an advisory council to the department; providing criminal penalties; providing for injunctive relief; authorizing a civil action for damages and reasonable attorney's fees; adding s. 400.071(5), Florida Statutes, 1976 Supplement; requiring an applicant for a license for a nursing facility who offers continuing care agreements to show proof of a certificate of authority under chapter 651, Florida Statutes; adding s. 400.411(3), Florida Statutes; requiring an applicant for a license to operate an adult congregate living facility who offers continuing care contracts to show proof of a certificate of authority under chapter 651, Florida Statutes; providing severability; providing a saving clause; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Jon Thomas and failed:

Amendment 1—On page 7, line 8, strike "may" and insert: shall

The Committee on Commerce offered the following amendments which were moved by Senator Jon Thomas and failed:

Amendment 2—On page 7, line 9, strike "or" and insert: , letters of credit, surplus debentures as provided for in s. 628.40, Florida Statutes, or any

Amendment 3—On page 16, line 2, strike “and during the 1-year period and any extension” and insert: provided that an extension shall be granted whenever such a conversion would result in a financial loss. During 1-year period and any extension

Amendment 4—On page 21, line 13, after the word “summary” insert: by the department

Senator Jon Thomas moved the following amendments which were adopted:

Amendment 5—On page 3, line 22, strike everything after the enacting clause and insert: Section 1. Sections 651.20, 651.21, 651.22, 651.23, 651.24, 651.25, 651.26, 651.27, 651.28, 651.29, 651.30, 651.31, 651.32, 651.325, 651.33, 651.34, 651.35, 651.36, 651.37, 651.38, 651.39, 651.40, and 651.41, Florida Statutes, are created to read:

651.20 Definitions.—For the purposes of this chapter:

(1) “Department” means the Department of Insurance.

(2) “Continuing care” or “care” means furnishing to an individual, not related by consanguinity or affinity to the provider furnishing such care, shelter, food, and nursing care, whether the nursing care is provided in the facility or in another setting designated by the agreement for continuing care. Other personal services provided shall be designated in the continuing care agreement. Continuing care shall include only life care, care for life, or care for a term of years.

(3) “Facility” means a place in which it is undertaken to provide continuing care to an individual for a term of years or for life.

(4) “Provider” means the owner or operator, whether a natural person, partnership, or other unincorporated association, however organized, trust or corporation, of an institution, building, residence, or other place, whether operated for profit or not, which owner or operator undertakes to provide continuing care for a fixed or variable fee or for any other remuneration of any type, whether fixed or variable for the period of care, payable in a lump sum, lump sum and monthly maintenance charges, or in installments.

(5) “Member” means a purchaser of, nominee of, or a subscriber to, a continuing care agreement. Such an agreement shall not be construed to give the member a part ownership of the facility in which the member is to reside or voting rights in the operation of the facility.

(6) “Life care” or “care for life” means a life lease, life membership, life estate, or similar agreement between a member and a provider by which the member pays a fee for the right to occupy a space in a designated facility and to receive continuing care for life.

(7) “Care for a term of years” means an agreement between a member and a provider whereby the member pays a fee for the right to occupy space in a designated facility and to receive continuing care for at least 1 year but for less than the life of the member. “Care for a term of years” also refers to a contract or agreement for continuing care for an indefinite term.

(8) “Entrance fee” means an initial or deferred payment of a sum of money or property which assures the member a place in a facility for a term of years or for life. An accommodation fee, admission fee, or other fee of similar form and application shall be considered to be an entrance fee.

(9) “Records” means the permanent financial, directory, and personnel information and data maintained by a provider pursuant to this chapter.

(10) “Personnel records” means information pertaining to an employee’s employment, including education, training, experience, salary or wages, and performance of duties of employment.

651.21 Administration; forms; fees; rules; fines.—The administration of this chapter is vested in the department, which shall:

(1) Prepare and furnish all forms necessary under the provisions of this chapter in relation to applications for certificates

of authority, renewals thereof, statements, examinations, and other required reports.

(2) Collect in advance, and the applicant so served shall pay to it in advance, the following fees:

(a) At the time of filing an application for a certificate of authority, an application fee in the amount of \$75 for each facility.

(b) At the time of renewal of a certificate of authority, a renewal fee in the amount of \$75 for each year or part thereof for each facility where continuing care is provided.

(c) A late fee in an amount equal to 50 per cent of the renewal fee in effect on the last preceding regular renewal date.

(d) An investigation fee, to be paid upon original application, in the amount of \$100 for each facility where continuing care is provided. Upon application subsequent to the denial of an earlier application or to the revocation, suspension, or surrender of a certificate of authority, a second investigation fee in the amount of \$100.

(e) For the issuance of the provisional certificate of authority, a fee in the amount of \$50.

(3) Adopt rules, within the standards of this chapter, necessary to effect the purposes of this chapter. Specific provisions in this chapter relating to any subject shall not preclude the department from adopting rules concerning such subject if such rules are within the standards and purposes of this chapter.

(4) Impose administrative fines pursuant to this chapter.

651.22 Certificate of authority required; designation of net worth.—

(1) No provider shall engage in the business of providing continuing care in this state without a certificate of authority therefor obtained from the department as provided in this chapter. Every provider holding a certificate of authority under the provisions of this chapter shall maintain at all times a net worth in an amount to be determined by the department based upon the number of continuing care agreements entered into by the provider and the types and levels of services provided by the provider under the agreements. Any provider in the business of offering continuing care within 1 year from the date of the adoption of the rules under this chapter and not having a net worth as determined necessary by the department shall have 3 years from such date to attain the required net worth. The increase in net worth during each year of such 3-year period shall not be less than one-third of the total required to meet the designated amount of net worth. However, in lieu of having a net worth in the amount designated by the department, a provider shall file a surety bond, letters of credit, surplus debentures as provided for in s. 628.401, or any other acceptable collateral with the department as approved by it in the amount of the designated net worth.

(2) Every applicant shall provide proof, on a form prescribed by the department, of a net worth as provided in subsection (1). Assets to be used in computing the required net worth shall be determined by rules adopted by the department.

651.23 Certificate of authority; application; annual statements; renewals.—

(1) A provider shall file an application for a certificate of authority on a form prescribed by the department, and the application shall be accompanied by the annual statement and other matters as provided in this section and in s. 651.22. Annually thereafter, on or before July 1, such provider shall file the annual statement and such other information and data, showing its condition on the last day of the preceding calendar year, which may be required by the department. If the department does not receive the required information on or before July 1, a late fee shall be charged in an amount equal to 50 percent of the renewal fee in effect on the last preceding regular renewal date.

(2) When an applicant has more than one facility offering continuing care, a separate application for a certificate of authority shall be made for each facility.

(3) If the provider is a corporation, the original application for the certificate of authority shall be accompanied by a copy of the charter; if the provider is a partnership or other unincorporated association, the original application shall be

accompanied by a copy of the partnership agreement, articles of association, or other membership agreement; and if the provider is a trust, the original application shall be accompanied by a copy of the trust agreement or instrument.

(4) The annual statement shall be in such form as the department shall elect and shall contain at least the following:

(a) The name and address of the facility in which the continuing care is to be offered and the name and address of any affiliated parent or subsidiary corporation or partnership.

(b) The full name, residence, and business address of:

1. The proprietor, if the provider is an individual.

2. Every partner or member, if the provider is a partnership or other unincorporated association, however organized, having less than 50 partners or members, together with the business name and address of the partnership or other organization.

3. The principal partners or members, if the provider is a partnership or an unincorporated organization, however organized, having 50 or more partners or members, together with the business name and business address of the partnership or other organization. If such unincorporated organization has officers and a board of directors, the full name and business address of each officer and director may be set forth in lieu of the full name and business address of its principal members.

4. The corporation and each officer and director thereof, if the provider is a corporation.

5. Every trustee and officer, if the provider is a trust.

6. Any stockholder holding at least a 10 percent interest in the operations of the facility in which the care is to be offered.

7. Any person whose name is required to be provided in the application under the provisions of paragraph (b) and who owns at least a 10 percent interest in any professional service, firm, association, trust, partnership, or corporation providing goods, leases, or services to the facility for which the application is made, and the name and address of the professional service, firm, association, trust, partnership, or corporation in which such interest is held.

(c) A statement of whether or not the facility of an affiliate, parent, or subsidiary is a religious, nonprofit, or proprietary organization.

(d) Personnel records.

(e) The types of agreements for continuing care to be entered into by the provider; and if such provider on July 1, 1977 is engaged in the business of furnishing care, a listing of each member for each type of agreement.

(f) For annual statements submitted after the issuance of an original certificate, a listing of each member for each type of agreement.

(g) Financial information, updated at least annually, including the following, as certified by an independent auditor who is at least a certified public accountant:

1. A balance sheet;

2. A narrative explaining material facts relating to the balance sheet;

3. An income statement and a pro forma income statement;

4. A statement of use of proceeds;

5. A pro forma balance sheet;

6. The level of participation in medicare or medicaid programs or both;

7. A statement of all fees required of members, including, but not limited to, a statement of the entrance fee charged, the monthly service charges, the proposed application of the proceeds of the entrance fee by the provider, and the plan by which the amount of the entrance fee is determined if the entrance fee is not the same in all cases; and

8. Changes or increases in fees when the provider changes either the scope of or the rates for care or services regardless

of whether the change involves the basic rate or only those services available at additional costs to the member, except those changes required by state or federal assistance programs.

(h) Location and description of physical property or properties essential for and proposed to be used or being used in connection with the agreements of the provider to furnish continuing care.

(i) Such other reasonable data, financial statements, and pertinent information as the department may require with respect to the provider, or the facility, its directors, trustees, members, branches, subsidiaries, and affiliates.

(5) The application for original certificate of authority shall be accompanied by forms of agreements proposed to be used by the provider in the furnishing of care. If the department finds that the agreements comply with s. 651.28, it shall approve them. Thereafter, no other form of agreement shall be used by the provider until it has been submitted to and approved by the department.

(6) In addition to any other information which is required with respect to an application for a certificate of authority, the application shall require:

(a) Evidence that the provider is of reputable and responsible character. If the provider is a firm, association, organization, partnership, business trust, corporation, or company, the form shall require evidence that the members or shareholders are reputable and of responsible character, and the person in charge of providing care under a certificate of authority shall likewise be required to produce evidence of reputable and responsible character.

(b) Evidence satisfactory to the department of the ability of the provider to comply with the provisions of this chapter and with rules adopted by the department pursuant to this chapter.

(7) A statement of whether a person identified in the application for a certificate of authority, the administrator or manager of the facility if such person has been designated, or any such person living in the same location:

(a) Has been convicted of a felony or has pleaded nolo contendere to a felony charge, or has been held liable or enjoined in a civil action by final judgment, if the felony or civil action involved fraud, embezzlement, fraudulent conversion, or misappropriation of property; or

(b) Is subject to a currently effective injunctive or restrictive order or federal or state administrative order relating to business activity or health care as a result of an action brought by a public agency or department including, without limitation, an action affecting a license under chapter 400. The statement shall set forth the court or agency, date of conviction or judgment, the penalty imposed or damages assessed, or the date, nature, and issuer of the order. Prior to issuing a certificate of authority, the department shall verify such statement with the assistance of local law enforcement agencies.

(8) Upon the department being satisfied that such statement and other accompanying materials meet the requirements of this chapter, that there has been evidenced the information required, that the net worth requirement or requirement for the purchase of a sufficient surety bond or for provisions of letters of credit, surplus debentures as provided in s. 628.401, or any other acceptable collateral has been met in accordance with s. 651.22, and that the fees as set forth in s. 651.21(2) have been paid, the certificate of authority shall be issued. If the annual statement, thereafter, meets the requirements as set forth in this chapter, if the sufficient net worth or a sufficient surety bond, letters of credit, surplus debentures as provided in s. 628.401, or any other acceptable collateral is maintained, and if the fee is paid, a renewal certificate shall be issued. If the annual statement fails to: (a) meet the requirement as set forth in this chapter; or (b) demonstrate sufficient net worth or maintenance of a sufficient surety bond, letters of credit, surplus debentures as provided in s. 628.401, Florida Statutes, or any other acceptable collateral, the department may issue a renewal certificate upon payment of the renewal fee, but shall advise the provider of the noted deficiencies, and shall require the provider to correct such deficiencies within a period to be determined by the department. Such period may be extended. If such deficiencies have not been cleared by the expiration of such time period, as extended, then the depart-

ment shall petition for delinquency proceedings or pursue such other relief as provided for under s. 651.38, as the circumstances may require.

(9) If the provider is an individual, the annual statement shall be sworn to by him; if a partnership or other unincorporated association having less than 50 partners or members, by all members thereof; if a partnership or other unincorporated association having 50 or more partners or members, by all its principal partners or members or by all of its officers and directors; if a trust, by all its trustees and officers; and if a corporation, by the president and secretary thereof.

(10) All certificates of authority and renewals thereof shall expire on September 30 of each year.

651.24 Provisional certificate of authority; feasibility study.—

(1) All persons intending to enter into the offering of continuing care agreements who have not acquired the necessary facilities for providing such care or have not acquired land nor begun preliminary construction of the necessary facilities by the date of the adoption of the rules under this chapter shall apply to the department for a provisional certificate of authority before proceeding.

(2) Such persons shall file with the department a statement of intent to provide continuing care and shall provide the following information to the department:

(a) The same information as required under s. 651.23(4)(b) for application for a certificate of authority.

(b) A statement as to the proposed location and size of facility.

(c) Submission of any advertisement to be used.

(3) Upon receipt of such information, the department shall, if satisfied with the information submitted, issue a provisional certificate of authority which shall entitle the person to engage in a feasibility study which shall be submitted to the department prior to a request for an application for a certificate of authority. The feasibility study shall include at least the following information:

(a) A statement of the purpose and need for the project and the reasons for the proposed construction, expansion, or renovation.

(b) A statement of financial resources of the provider.

(c) A statement of the capital expenditures necessary to accomplish the project.

(d) A statement of financial feasibility for the proposed project which shall include a statement of future funding sources.

(e) A statement of manpower requirements and availability to support the proposed project.

(4) Such person may collect deposits from prospective members, provided that the funds collected are maintained in an escrow account.

(5) Upon submission of the feasibility study, the department shall determine if such operation will be able to provide continuing care as proposed and if the proposed operation appears to be financially solvent. If the decision of the department is favorable, the department shall permit the person to apply for a certificate of authority to begin its operation. Once the certificate of authority has been issued, the provider may use the funds held in escrow unless otherwise prohibited by this chapter. If the decision of the department is not favorable, the department shall require the person to refund all deposits and to cease in its attempts to offer continuing care at the location specified in the feasibility study.

651.25 Reserve requirements.—

(1) A provider shall maintain reserves covering obligations assumed under all agreements entered into and maintained. Reserves shall be in an amount not less than the sum computed in accordance with the standard of valuation based upon a modern and up-to-date table of mortality selected by the department. The interest assumption for that computation shall be determined by the department.

(2) Failure to maintain reserves as provided in this chapter shall be deemed a breach of all agreements to furnish care.

651.255 Use of reserves; investment purposes.—Reserves may be used for investment purposes. Such investments shall be maintained in forms as prescribed in chapter 625, where applicable, with the following exceptions:

(1) A percentage of the investments, to be determined by the department, shall be in bonds, stocks, commercial and savings accounts, or building and loan certificates;

(2) A percentage of the investments, to be determined by the department, may be in real property used to provide care and housing for persons under continuing care agreements, or equities therein, owned by the provider. Valuation shall be based on the net equity, which shall be the appraised value less any depreciation and encumbrances; and

(3) Investments may be in equipment situated in property used to provide care and housing for members to the extent of the percentage of net value to be determined by the department. The types of equipment and amortization rate for such equipment to be used for this determination shall be determined by the department.

651.26 Conversion of property.—When the consideration received by any provider to furnish care in pursuance of an agreement is in a form other than money or securities, the provider shall convert the property into money within 1 year of the date of the agreement unless an extension is granted by the department; provided that an extension shall be granted whenever such a conversion would result in a financial loss. During the 1-year period and any extension prior to conversion of the property into money, the value thereof as set forth in the agreement is an admissible asset of the provider for the purpose of available funds or reserve in relation to the agreement. The requirement for conversion of property shall not apply when proof satisfactory to the department is submitted indicating that such property is to be utilized for the future expansion of the continuing care operation.

651.27 Maintenance of assets and records in state.—No records or assets shall be removed from this state by a provider unless the department consents in writing to such removal. Such consent shall be based upon the provider submitting satisfactory evidence that the removal will facilitate and make more economical the operations of the provider and will not diminish the service or protection thereafter to be given the provider's members in this state.

651.28 Agreements; right to rescind.—

(1) In addition to such other provisions as may be considered proper to effectuate the purpose of any continuing care agreement, each agreement executed on and after the date of the adoption of the rules under this chapter, shall:

(a) Provide for the continuing care of only one member or for two persons occupying space designed for double occupancy under appropriate regulations established by the provider and shall show the value of all property transferred, including donations, subscriptions, fees, and any other amounts paid or payable by or on behalf of the member or members.

(b) Specify all services which are to be provided by the provider to each member, including in detail, all items which each member will receive and whether the items will be provided for a designated time period or for life, and the estimated monthly cost to the provider of providing the care. Such items shall include, but not be limited to, food, shelter, nursing care, drugs, burial, and incidentals.

(c) Describe the health and financial conditions upon which the provider may have the member relinquish his space in the designated facility.

(d) Describe the health and financial conditions required for a person to continue as a member.

(e) Describe the circumstances under which the member will be permitted to remain in the facility in the event of financial difficulties of the member.

(f) State the fees that will be charged if the member marries while at the designated facility and the terms concerning the entry of a spouse to the facility and the consequences if the spouse does not meet the requirements for entry.

(g) Provide that the agreement may be cancelled upon the giving of notice of cancellation of at least 30 days by the

provider or by the member or by the person who provided the transfer of property or funds for the care of such member; provided, however, that if an agreement is cancelled because there has been a good faith determination that a member is a danger to himself or others, only such notice as is reasonable under the circumstances shall be required. The agreement shall further provide in clear and understandable language, in print no smaller than the largest type used in the body of said agreement, the terms governing the refund of any portion of the entrance fee.

(h) State the terms under which an agreement is cancelled by the death of the member. The agreement may contain a provision to the effect that, upon the death of the member, the moneys paid for the continuing care of such member shall be considered earned and become the property of the provider.

(i) Provide for advance notice to the member of not less than 60 days before any change in fees or charges or the scope of care or services may be effective, except for changes required by state or federal assistance programs.

(j) Provide that charges for care paid in one lump sum shall not be increased or changed during the duration of the agreed upon care, except for changes required by state or federal assistance programs.

(2) A member shall have the right to rescind a continuing care agreement, without penalty or forfeiture, within 7 days after making an initial deposit or executing the agreement. During the 7-day period, the member's funds shall be retained in a separate escrow account under terms approved by the department. A member shall not be required to move into the facility designated in the agreement before the expiration of the 7-day period.

(3) If a member dies before occupying the facility, or through illness, injury, or incapacity would be precluded from becoming a resident under the terms of the continuing care agreement, the agreement is automatically cancelled and the member or his legal representative shall receive a full refund of all moneys paid to the facility except those costs specifically incurred by the facility at the request of the member and set forth in writing in a separate addendum to the agreement and signed by both parties.

(4) Those agreements entered into subsequent to the effective date of this act and prior to the issuance of a certificate of authority to the provider shall be valid and binding upon both parties in accordance with their terms.

651.29 Dismissal or discharge of member; refund.—No agreement for care shall permit dismissal or discharge of the member from the facility providing care prior to the expiration of the agreement without just cause for such a removal. Just cause shall include, but not be limited to, a good faith determination that a member is a danger to himself or others while remaining in the facility. If a facility terminates a member for just cause, the facility shall pay to the member any refund due in the same manner as if the member had provided notice pursuant to s. 651.28(1)(g).

651.30 Waiver of statutory protection.—No act, agreement, or statement of any member or an individual purchasing care for a member under any agreement to furnish care to the member shall constitute a valid waiver of any provision of this chapter intended for the benefit or protection of the member or the individual purchasing care for the member.

651.31 Agreements as preferred claims on liquidation.—(1) In the event of liquidation of the provider, all care agreements executed by a provider shall be deemed a preferred claim against all assets owned by the provider, provided however that such claims shall be subordinate to those priority claims set forth in s. 631.271, Florida Statutes, and any secured claim as defined in s. 631.011(16), Florida Statutes.

(2) Any other claims not set forth in subsection (1) above shall be considered as general creditors claims.

(3) Nothing in this section shall be construed to impair the priority of mortgages and security agreements, with respect to the lien property, duly recorded at least 4 months prior to institution of liquidation proceedings.

651.32 Continuing care facilities members' associations.—Members living in a facility holding a valid certificate of au-

thority under this chapter shall have the right of self-organization, to be represented by an individual of their own choosing, and to engage in concerted activities for the purpose of keeping informed on the operation of the facility which is caring for them or for the purpose of other mutual aid or protection.

651.325 Quarterly meetings between members and the governing body of the facility.—The board of directors or other such governing body of a continuing care facility shall hold quarterly meetings with the members of the continuing care facility for the purpose of free discussion of, to include but not be limited to, income and expenditures, and financial trends and problems as they apply to the facility as well as a discussion on proposed changes in policies, programs, and services.

651.33 Availability, distribution, and posting of reports and records; requirement of full disclosure.—

(1) Each continuing care facility shall maintain as public information, available upon request, records of all cost and inspection reports pertaining to that facility that have been filed with or issued by any governmental agency. A copy of each such report shall be retained in said records for not less than 5 years from the date said report is filed or issued. Each facility shall also maintain as public information, available upon request, all annual statements that have been filed with the department.

(2) Any records, reports, or documents which by state or federal law or regulation are deemed confidential shall not be distributed or made available for purposes of compliance with this section unless and until such confidential status has expired.

(3) Every continuing care facility shall:

(a). Display the certificate of authority in a conspicuous place inside the facility;

(b) Post in a sufficient number of prominent positions in the facility so as to be accessible to all members and to the general public a concise summary of the last inspection report issued by the department, with references to the page numbers of the full report noting any deficiencies found by the department, and the actions taken by the provider to rectify such deficiencies, and indicating in such summaries where the full report may be inspected in the facility; and

(c) Post in a sufficient number of prominent positions in the facility so as to be accessible to all members and to the general public a summary by the department of the latest annual statement, indicating in the summary where the full annual statement may be inspected in the facility. A listing of any proposed changes in policies, programs, and services shall also be posted.

(4) Prior to entering an agreement to furnish continuing care, the provider undertaking to furnish the care or the agent of the provider shall make full disclosure of, and provide copies to the prospective member or his legal representative of, the following information relative to the undertaking:

(a) The agreement to furnish continuing care.

(b) A copy of the summaries listed in paragraphs (b) and (c) of subsection (3).

(c) The prospective member or his legal representative shall be permitted to inspect the full reports referenced in paragraphs (b) and (c) of subsection (3) and the charter or other agreement or instrument required to be filed with the department pursuant to s. 651.23(3), together with all amendments thereto, and the bylaws of the corporation or association, if any. Upon request, copies of the reports and information shall be provided the individual requesting them if the individual agrees to pay a reasonable charge to cover copying costs.

651.34 Advertisements; requirements; penalties.—

(1) The department shall require each provider to submit for approval each financial statement, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution to prospective members. Within 15 business days after the date of receipt of the documents listed in this section, the department shall enter an order approving or rejecting the documents. If an order or rejection is not entered within 15 busi-

ness days after the date of receipt, the documents shall be deemed approved unless the applicant has consented in writing to a further delay.

(2) A provider shall not have published and a person shall not publish an advertisement offering continuing care agreements subject to the registration requirements of this chapter unless a true copy of the advertisement has been filed with the department at least 15 business days before the first publication or a shorter period as the department may allow or unless the advertisement has been exempted by rule of the department. The department may require that the advertising be registered and that the advertising display a registration number.

(3) Any report, circular, public announcement, certificate, financial statement, or other printed matter or advertising material which is designed for or used to solicit or induce persons to enter into any agreement providing for the transfer of property, conditioned upon an agreement to furnish continuing care for life or for a term of years, and which lists or refers to the name of any individual or organization as being interested in or connected with the person, association, or corporation to perform the contract, shall clearly state the extent of financial responsibility assumed by that individual or organization for the person, association, or corporation and the fulfillment of its agreements.

(4) This chapter does not impose liability, civil or criminal, upon a person or publisher who is regularly engaged in the business of publishing a bona fide newspaper or operating a radio or television station and who, acting solely in his official capacity, publishes an advertisement in good faith and without knowledge that the advertisement or publication constitutes a violation of this chapter.

(5) Any violation of this section is subject to the provisions of the Florida Deceptive and Unfair Trade Practices Act.

651.35 Reasonable time to comply with rules and standards.—Any provider who is offering continuing care may be given a reasonable time, not to exceed 1 year from the date of publication of any applicable rules or standards adopted pursuant to this chapter, within which to comply with the rules and standards and to obtain a certificate of authority.

651.36 Examination and inspections; fines.—

(1) The department shall have power, and is required from time to time as it may deem necessary, to examine the business of any provider engaged in the execution of care agreements or engaged in the performance of obligations under such agreements, in the same manner as is provided for examination of insurance companies. Such examinations shall be made by a representative or examiner designated by the department, whose compensation shall be fixed by the department. Routine examinations may be made by having the necessary documents submitted to the department, and for this purpose financial documents and records conforming to commonly accepted accounting principles and practices, as required under s. 651.23, shall be deemed adequate. The final written report of each such examination shall be filed in the office of the department and, when so filed, shall constitute a public record. Any provider being examined shall, upon request, give reasonable and timely access to all of its records. The representative or examiner designated by the department may at any time examine the records and affairs and inspect the physical property of any provider, whether in connection with a formal examination or not.

(2) Any duly authorized officer, employee, or agent of the department may, upon presentation of proper identification, have access to and inspect any records, with or without advance notice, to secure compliance with or to prevent a violation of any provision of this chapter.

(3) Every provider operating under a valid certificate of authority shall be examined periodically and evaluated as to its financial condition by a representative or representatives designated by the department. Such examinations and evaluations shall be conducted as often as necessary to ensure the financial stability of the facility. Reports of the results of such financial examinations and evaluations shall be kept on file by the department and shall be open to public inspection in the facility providing care. Any records, reports, or documents which by state or federal law or regulation are deemed confidential shall not be

distributed or made available for purposes of compliance with this subsection unless and until such confidential status has expired.

(4) The department shall notify the provider in writing of all deficiencies in its compliance with the provisions of this chapter and the rules adopted pursuant to this chapter and shall set a reasonable length of time for compliance by the provider. Upon a finding of noncompliance, the department may levy an administrative fine, not to exceed \$50 per day, which shall be paid to the department each day until the department finds the provider in compliance. If the provider fails to comply within the established length of time, then the amount collected from the provider shall be forfeited to the department. In such case, the department may also initiate action against the provider in accordance with the provisions of s. 651.40.

651.37 Requests for inspections.—

(1) Any interested party may request an inspection of the records and related financial affairs of a provider providing care in accordance with the provisions of this chapter by transmitting to the department notice of an alleged violation of applicable requirements prescribed by statute or by rule, specifying to a reasonable extent the details of the alleged violation, which shall be signed by the complainant.

(2) The substance of the complaint shall be given to the provider no earlier than at the time of the inspection. Unless the complainant specifically requests otherwise, neither the substance of the complaint provided the provider nor any copy of the complaint or any record published, released, or otherwise made available to the provider shall disclose the name of any person mentioned in the complaint except the name of any duly authorized officer, employee, or agent of the department conducting the investigation or inspection pursuant to this chapter.

(3) Upon receipt of a complaint, the department shall make a preliminary review, and, unless the department determines that the complaint is willfully intended to harass a provider or is without any reasonable basis, the department shall make an onsite inspection within 10 business days after receiving the complaint. In either event, the complainant shall be informed, within 30 days of the receipt of the complaint by the department, what the proposed course of action of the department is.

(4) No provider operating under a certificate of authority under this chapter shall discriminate or retaliate in any manner against a member or an employee of a facility providing care because such member or employee or any other person has initiated a complaint pursuant to this section.

651.38 Delinquency proceedings.—(1) If any of the grounds for rehabilitation, liquidation, conservation, reorganization, seizure, or summary proceedings of an insurer as set forth in ss. 631.051, 631.061, and 631.071, Florida Statutes, exist as to a provider, the department may petition for an appropriate court order or may pursue such other relief as is afforded in part I of chapter 631, Florida Statutes.

(2) In the event an order of rehabilitation, liquidation, conservation, reorganization, seizure, or summary proceeding has been entered against a provider, the department shall be vested with all of the powers and duties it has under the provisions of part I of chapter 631, Florida Statutes, in regard to delinquency proceedings of insurance companies.

651.39 Advisory council.—

(1) An advisory council to the department is created to consist of seven members appointed by the Governor, each of whom shall be a resident of, and geographically representative of, this state. Three members shall be holders of certificates of authority under this chapter, except that with respect to the initial appointments, these three members are required only to have been actively engaged in the offering of continuing care agreements in this state for 5 years prior to appointment. The remaining members shall include:

- (a) A representative of the business community whose expertise is in the area of management;
- (b) A certified public accountant;
- (c) A representative of the field of insurance; and
- (d) A consumer representative.

(2) The term of office for each member shall be 3 years, or until his successor has been appointed and qualifies, except that of the members first appointed, two shall be appointed for terms of 1 year each, two for terms of 2 years each, and three for terms of 3 years each.

(3) The council members shall serve without pay.

(4) The council shall:

(a) Meet within 30 days after their appointment and elect a chairman from their own number and elect or appoint a secretary, each of whom shall hold office for 1 year and thereafter until his successor is elected and qualified.

(b) Hold an annual meeting each year and hold other meetings at such times and places as the department or the chairman of the council may direct.

(c) Keep a record of its proceedings. The books and records of the council shall be prima facie evidence of all matters reported therein and shall be open to inspection by the department at all times.

(d) Act in an advisory capacity to the department.

(e) Recommend to the department needed changes in rules.

(f) Upon the request of the department, assist in the rehabilitation of continuing care operations.

651.40 Criminal penalties; injunctive relief.—

(1) Any person who maintains, enters into, or, as manager, officer, or in any other administrative capacity, assists in entering into, maintaining, or performing, any continuing care agreement subject to this chapter without doing so in pursuance of a valid certificate of authority, or renewal thereof, as contemplated by or provided in this chapter, or who otherwise violates any provision of this chapter or rule adopted in pursuance of this chapter, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. Each violation of this chapter constitutes a separate offense.

(2) The State Attorney for a circuit shall, upon application of the department or its authorized representative, institute and conduct the prosecution of an action for violation, within such circuit, of any provision of this chapter.

(3) The department may bring an action to enjoin a violation, threatened violation, or continued violation of this chapter in the Circuit Court in and for the county in which the violation occurred, is occurring, or is about to occur.

(4) Any action brought by the department against a provider shall not abate by reason of a sale or other transfer of ownership of the facility used to provide care which provider is a party to the action except with the express written consent of the Treasurer and Insurance Commissioner.

651.41 Civil action.—Any member injured by a violation of this chapter may bring an action for the recovery of damages plus reasonable attorney's fees.

Section 2. Subsection (5) is added to section 400.071, Florida Statutes, 1976 Supplement, to read:

400.071 Application for license.—

(5) *If the applicant offers continuing care agreements as defined in chapter 651, proof shall be furnished that such applicant has obtained a certificate of authority as required for operation under that chapter. This provision shall not apply prior to 12 months from the date of the adoption of the rules by the Department of Insurance as contemplated by s. 651.35.*

Section 3. Subsection (3) is added to section 400.411, Florida Statutes, to read:

400.411 Application for license.—

(3) *If the applicant offers continuing care agreements as defined in chapter 651, proof shall be furnished that such applicant has obtained a certificate of authority as required for operation under that chapter. This provision shall not apply prior to 12 months from the date of the adoption of the rules by the Department of Insurance as contemplated by s. 651.35.*

Section 4. (1) Sections 651.01, 651.02, 651.03, 651.04, 651.05, 651.06, 651.07, 651.072, 651.074, 651.076, 651.08, 651.09, 651.10,

651.11, 651.115, and 651.12, Florida Statutes, are hereby repealed.

(2) After the effective date of this act, the department shall issue no regulations nor shall it commence any proceedings based upon the provisions of any of the sections enumerated in (1).

(3) With respect to any proceedings hereafter instituted by any person believing himself to be aggrieved by a violation of any of the provisions of the sections enumerated in (1), any resulting judgment shall be limited to the actual monetary loss suffered by such person plus reasonable attorneys fees.

(4) With respect to the provisions of s. 651.12 included in the enumeration in (1), any prosecution hereafter instituted under the provisions of said section shall require an affirmative finding of intent to defraud.

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 6. Any contract or agreement executed prior to the effective date of this act which is amended or renewed, subsequent to the effective date of this act, shall be subject to this act.

Section 7. This act shall take effect July 1, 1977.

Amendment 6—Strike all of the title, and insert: A bill to be entitled An act relating to agreements to provide care for life or for a term of years; repealing ss. 651.01-651.12, Florida Statutes, relating to such agreements; creating ss. 651.20-651.41, Florida Statutes; providing for regulation of such agreements and persons offering such agreements; providing definitions; providing for administration by the Department of Insurance; providing rule-making authority; requiring a certificate of authority for any person to engage in the business of providing continuing care; prescribing information to be filed with the department with an application for a certificate of authority; requiring annual statements; providing requirements for provisional certificates of authority, including feasibility studies; prescribing fees for applications for and renewal of certificates of authority, investigations, and provisional certificates; providing for renewal of certificate; requiring a designated net worth and financial reserves to be maintained; providing for use of reserves for certain investment purposes; requiring property other than money or securities given as payment for a continuing care contract to be converted into money; providing an exception; requiring assets and records to be maintained in the state unless the department consents to removal; requiring certain provisions in continuing care agreements; providing a right to rescind; providing that no person living in a continuing care facility may be dismissed without just cause; providing a refund to certain dismissed or discharged persons; providing that statutory protection under chapter 651, Florida Statutes, may not be waived; providing that continuing care agreements are preferred claims in liquidation proceedings; providing for organizations composed of persons living in continuing care facilities; providing for quarterly meetings between members and the governing body of the facility; requiring such facilities to make certain records public and to post certain information; requiring disclosure before entering a continuing care agreement; requiring that all advertisements with respect to continuing care agreements to be approved by the department; providing penalties for violation of advertising regulations; directing the department to periodically inspect continuing care facilities and audit records; providing for public requests for such inspections and audits; providing for correction of deficiencies and administrative fines; providing for delinquency proceedings; creating an advisory council to the department; providing criminal penalties; providing for injunctive relief; authorizing a civil action for damages and reasonable attorney's fees; adding s. 400.071(5), Florida Statutes, 1976 Supplement; requiring an applicant for a license for a nursing facility who offers continuing care agreements to show proof of a certificate of authority under chapter 651, Florida Statutes; adding s. 400.411(3), Florida Statutes; requiring an applicant for a license to operate an adult congregate living facility who offers continuing care contracts to show proof of a certificate of authority under chapter 651, Florida Statutes; providing severability; providing a saving clause; providing an effective date.

On motion by Senator Jon Thomas, by two-thirds vote SB 885 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Mr. President	Glisson	Myers	Tobiassen
Castor	Gorman	Peterson	Trask
Chamberlin	Graham	Poston	Vogt
Childers, Don	Henderson	Renick	Ware
Childers, W. D.	Holloway	Sayler	Winn
Dunn	Johnston	Scarborough	
Firestone	Lewis	Skinner	
Gallen	McClain	Thomas, Jon	

Nays—None

Votes after roll call:

Yeas—Hair, Spicola, Williamson

By the Committee on Judiciary-Criminal and Senator Dunn—

CS for SB 109—A bill to be entitled An act relating to the Statewide Grand Jury; creating s. 27.36, Florida Statutes, to provide for the Office of Prosecution Coordination; specifying duties; providing for staffing; providing for the appointment of an executive director; providing for funding; creating s. 27.37, Florida Statutes, to create the Council for the Prosecution of Organized Crime; providing for the appointment of members; providing for the term of members; providing for the duties of the council; providing that the records of the council be exempt from public inspection; providing for excluding the public from meetings relating to criminal investigation; providing subpoena power for the council; providing for a legal advisor to the statewide grand jury; amending s. 905.33(1), Florida Statutes, relating to petitioning to the Supreme Court to impanel a statewide grand jury; providing that the legal advisor to the statewide grand jury may petition the Supreme Court to extend the term of the statewide grand jury; amending s. 905.36, Florida Statutes, relating to the duties of the State Attorney or legal advisor; providing that the State Attorney designated by the Governor shall attend the sessions of the statewide grand jury; providing an appropriation; providing severability; providing an effective date.

—was read the first time by title and SB 109 was laid on the table.

On motion by Senator Johnston, by two-thirds vote CS for SB 109 was read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On page 5, strike all of lines 13-15 and insert: Section 5. Providing for positions.—Seven positions are authorized to man, the Office of

Amendment 2—On page 1 in title, line 29, strike “providing an appropriation” and insert: providing for positions

On motion by Senator Johnston, by two-thirds vote CS for SB 109 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Glisson	McClain	Thomas, Jon
Castor	Gorman	Peterson	Thomas, Pat
Chamberlin	Graham	Poston	Tobiassen
Childers, Don	Henderson	Renick	Trask
Childers, W. D.	Holloway	Sayler	Vogt
Dunn	Johnston	Scarborough	Ware
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil

Nays—None

Vote after roll call:

Yea—Hair

SB 1298—A bill to be entitled An act relating to the preservation and restoration of bodies of water; providing for the es-

tablishment of a program within the Department of Environmental Regulation to assist in the preservation and restoration of water resources; providing funding from general revenue, the Pollution Recovery Fund, and available federal moneys; establishing criteria for the allocation of funds; adding s. 403.061 (28), Florida Statutes; authorizing the Department of Environmental Regulation to establish and administer this program; providing for positions within the department; creating the Water Resources Restoration and Preservation Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote SB 1298 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Glisson	McClain	Thomas, Pat
Barron	Gorman	Peterson	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Sayler	Ware
Childers, W. D.	Holloway	Scarborough	Winn
Dunn	Johnston	Skinner	Zinkil
Firestone	Lewis	Spicola	
Gallen	MacKay	Thomas, Jon	

Nays—None

SB 1360 was taken up and on motion by Senator Scott, the rules were waived and by two-thirds vote HB 482 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator Scott—

HB 482—A bill to be entitled An act relating to insurance; amending s. 624.602(1), Florida Statutes, to specifically include the granting of annuity contracts within the definition of transaction of life insurance; providing an effective date.

—a companion measure, was substituted for SB 1360 and read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 1, line 21, insert a new section 2 and renumber subsequent sections:

Section 2. Section 112.21, Florida Statutes, 1976 Supplement, is amended to read:

112.21 Tax-sheltered annuities or custodial accounts for employees of governmental agencies.—A governmental agency, which means any state, county, local, or municipal governmental entity, or any unit of government created or established by law, which is qualified under the United States Internal Revenue Code may provide, by written agreement between any such agency and any employee, to reduce the contract salary payable to such employee and, in consideration thereof, to pay an amount equal to the amount of such reduction to an insurance company licensed to do business in Florida or to a credit union, bank, or savings and loan association qualified to do business in Florida, or to a custodial account to be invested in regulated investment company stock to be held in such custodial account, as selected by the employee or employees, notwithstanding any other provision of law, with the concurrence of the employing agency, as premiums on an annuity contract issued in the name of such employee or as payment into a qualified custodial account established pursuant to s. 403(b) of the United States Internal Revenue Code.

(1) Any such annuity contract or custodial account shall be in such form, and be based upon such terms, as will qualify the payments thereon for tax deferment under the United States Internal Revenue Code. *Such insurance annuity, savings or investment products shall be underwritten and offered, in compliance with the applicable federal and state laws and regulations, by persons who are duly authorized by applicable state and federal authorities.*

(2) The amount of such reduction shall not exceed the amount excludable from income under s. 403(b) of the United States Internal Revenue Code and amendments and successor provisions thereto and shall be considered a part of the em-

ployee's salary for all purposes other than federal income taxation.

(3) The purchase of such tax-sheltered annuity or other investment qualified under the United States Internal Revenue Code and not prohibited under the laws of this state for an employee shall impose no liability or responsibility whatsoever on the employing agency except to show that the payments have been remitted for the purposes for which deducted.

Amendment 2—On page 1, line 6, insert after the semicolon: amending s. 112.21, Florida Statutes, 1976 Supplement; authorizing payment for tax-sheltered annuities or custodial accounts for employees of governmental agencies to a custodial account to be invested in regulated investment company stock; providing for insurance annuity, savings or investment products to be underwritten and offered, in compliance with applicable federal and state laws and regulations, by persons who are duly authorized by applicable state and federal authorities;

On motion by Senator Scott, by two-thirds vote HB 482 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Glisson	Peterson	Tobiasen
Barron	Gorman	Poston	Trask
Castor	Graham	Renick	Vogt
Chamberlin	Henderson	Scarborough	Ware
Childers, Don	Holloway	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Wilson
Dunn	Lewis	Spicola	Winn
Firestone	MacKay	Thomas, Jon	Zinkil
Gallen	McClain	Thomas, Pat	

Nays—None

SB 1360 was laid on the table.

HB 300—A bill to be entitled An act relating to the district school system; amending s. 230.061(1), Florida Statutes, requiring district school board member residence areas to be based on population rather than on the number of qualified electors; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Peterson and adopted:

Amendment 1—On page 1, strike all of lines 14 through 19 inclusive and insert: (1) For the purpose of nominating and electing school board members, each district shall be divided into at least five district school board member residence areas, which shall be numbered one to five, inclusive, and which shall be equal in population to the same number of qualified electors.

(a) For those school districts, which have seven school board members, the district may be divided into five district school board member residence areas with two school board members elected at large, or the district may be divided into seven district school board member residence areas. In the latter case, the residence areas shall be numbered one to seven inclusive and shall be equal in population as nearly as practicable.

(b) For those school districts which have seven school board members, the number of district school board member residence areas shall be determined by resolution passed by a majority vote of the district school board.

On motion by Senator Peterson, by two-thirds vote HB 300 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dunn	Graham	Lewis
Barron	Firestone	Hair	MacKay
Chamberlin	Gallen	Henderson	McClain
Childers, Don	Glisson	Holloway	Peterson
Childers, W. D.	Gorman	Johnston	Poston

Renick	Skinner	Tobiasen	Ware
Saylor	Spicola	Trask	Zinkil
Scarborough	Thomas, Jon	Vogt	
Scott	Thomas, Pat		

Nays—None

Votes after roll call:

Yeas—Castor, Williamson

CS for HB 575—A bill to be entitled An act relating to the Beverage Law; amending s. 561.32(1), Florida Statutes, 1976 Supplement, providing that the transfer fee for quota licenses shall be \$100 or the annual license tax, whichever is greater; providing an effective date.

—was read the second time by title.

Senator W. D. Childers moved the following amendment which was adopted:

Amendment 1—On page 2, line 3, strike all of the line and insert: Section 2. Subsection (1) of section 561.17, Florida Statutes, is amended to read:

561.17 License applications; approved person.

(1) Any person, before engaging in the business of manufacturing, bottling, distributing, selling or in any way dealing in alcoholic beverages, shall file with the district supervisor of the district of the division in which the place of business for which a license is sought is located a sworn application in duplicate on forms provided to the district supervisor by the division. Prior to any applications being approved, *the division may require the applicant to may file a set of fingerprints on regular United States Department of Justice forms for himself and the manager or person to be in charge. The applicant may also file such a set of fingerprints for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought, when so required by the division. If the applicant or any person interested with the applicant either directly or indirectly in the business is not qualified, the application shall be denied by the division.*

Section 3. This act shall take effect upon becoming a law.

Senator Glisson moved the following amendment which was adopted:

Amendment 2—On page 2 between lines 2 and 3, insert a new section: Chapter 561, Florida Statutes, is amended by adding Sec. 561.424 to read:

561.424 Vinous beverages; in-store servicing authorized.—

(1) It is the finding of the Legislature that the in-store servicing of wine by a distributor is a necessary part of a distributor's function and responsibility to a vendor. It is further the finding of the Legislature that the in-store servicing of wine by a distributor is not intended by the distributor to induce a vendor to purchase wine from the distributor nor does the distributor intend to provide any financial assistance to a vendor by providing such in-store servicing to the vendor. In addition, it is the finding of the Legislature that in-store servicing of wine by a distributor is a normal trade or business practice which has substantially contributed to the increase in sales of wine resulting in a substantial benefit to the state by increased tax revenues, resulting from the increased sales, and therefore is not a rendering of financial assistance to a vendor nor an inducement to purchase wine.

(2) Nothing in Sec. 561.42, Florida Statutes, or any other provision of the alcoholic beverage law shall prohibit a distributor of wine from providing in-store servicing of wine sold by such distributor to a vendor. In-store servicing as used herein means: placing the wine on the vendor's shelves and maintaining the appearance and display of said wine on the vendor's shelves in the vendor's licensed premises; placing the wine not so shelved or displayed in a storage area designated by the vendor which is located in the vendor's licensed premises, rotation of vinous beverages and price stamping of vinous beverages in vendor's licensed premises. This section shall not apply to distilled spirits.

(renumber subsequent section.)

Senator W. D. Childers moved the following title amendment which was adopted:

Amendment 3—On page 1, line 6, after the semicolon insert: amending s. 561.17(1), Florida Statutes, providing that the division may require the applicant to file a set of fingerprints;

Senator Glisson moved the following title amendment which was adopted:

Amendment 4—On page 1, line 6, following the semi-colon insert: creating sec. 561.424 providing legislative intent, authorizing in-store servicing of vinous beverages;

On motion by Senator Pat Thomas, by two-thirds vote CS for HB 575 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Hair	Scarborough	Trask
Castor	Henderson	Scott	Vogt
Childers, W. D.	Holloway	Skinner	Ware
Firestone	Lewis	Spicola	Wilson
Gallen	MacKay	Thomas, Jon	Winn
Glisson	McClain	Thomas, Pat	
Gorman	Renick	Tobiassen	

Nays—7

Childers, Don	Johnston	Poston	Zinkil
Graham	Peterson	Sayler	

HB 1035—A bill to be entitled An act relating to saltwater conservation; providing restrictions on the use of seine nets from the beaches of St. Johns County; providing permitting procedures and a permit fee; providing for denial or revocation of permit; providing for enforcement; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Spicola by two-thirds vote HB 1035 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Graham	McClain	Thomas, Jon
Barron	Hair	Myers	Thomas, Pat
Castor	Henderson	Peterson	Tobiassen
Childers, W. D.	Holloway	Plante	Trask
Firestone	Johnston	Poston	Vogt
Gallen	Lewis	Renick	Ware
Gorman	MacKay	Spicola	Winn

Nays—5

Chamberlin	Sayler	Scarborough	Wilson
Childers, Don			

Explanation of Vote:

I voted no because this bill violates Article III, Section 11 of the Florida Constitution.

Lori Wilson, 16th District

HB 1036—A bill to be entitled An act relating to the Florida School for the Deaf and the Blind; naming the vocational building at the school the Thomas M. Gibbs Vocational Building; directing the board of trustees of the school to erect suitable markers; providing an effective date.

—was read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 1036 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Castor	Childers, Don	Firestone
Barron	Chamberlin	Childers, W. D.	Gallen

Gorman	MacKay	Skinner	Ware
Graham	McClain	Spicola	Williamson
Hair	Poston	Thomas, Jon	Wilson
Henderson	Renick	Thomas, Pat	Winn
Holloway	Sayler	Tobiassen	Zinkil
Johnston	Scarborough	Trask	
Lewis	Scott	Vogt	

Nays—None

Votes after roll call:

Yeas—Glisson and Peterson

SB 679, a companion bill to HB 1036, was laid on the table.

HB 1531—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.061(1), Florida Statutes, relating to confiscation of property and products; providing that seizure by the court of property and products shall be permissive; providing that forfeiture to the Division of Marine Resources by the court of property and products shall be permissive; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote HB 1531 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	Myers	Thomas, Jon
Barron	Graham	Plante	Thomas, Pat
Castor	Hair	Poston	Tobiassen
Childers, Don	Henderson	Renick	Trask
Childers, W. D.	Holloway	Sayler	Vogt
Dunn	Johnston	Scarborough	Ware
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Nays—None

Vote after roll call:

Yea—Peterson

By the Committee on Finance, Taxation and Claims and Senator Spicola—

CS for SB 58—A bill to be entitled An act relating to ad valorem tax exemptions; creating s. 196.1985, Florida Statutes; providing exemption for property owned and used by labor organizations for certain purposes; providing an effective date.

—was read the first time by title and SB 58 was laid on the table.

On motion by Senator Spicola, by two-thirds vote CS for SB 58 was read the second time by title.

Senator Gallen moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 22 and 23 insert:

Section 2. Paragraph (d) of subsection (1) of section 196.2001, Florida Statutes, 1976 Supplement, is amended to read:

196.2001 Exemption for property owned by a not-for-profit sewer and water company.—

(1) Property of any sewer and water company owned or operated by a Florida corporation not for profit, the income from which has been exempt, as of January 1 of the year for which the exemption from ad valorem property taxes is requested, from federal income taxation by having qualified under s. 115(a) of the Internal Revenue Code of 1954 or of a corresponding section of a subsequently enacted federal revenue act, shall be exempt from ad valorem taxation, provided the following criteria for exemption are met by the not-for-profit sewer and water company:

(d) Rates for services rendered by the company are established by the governing board of the county or counties within

which the company provides service, ~~or~~ by the Public Service Commission in those counties in which rates are regulated by the commission, *or by the Farmers Home Administration.*

(Renumber subsequent section.)

Amendment 2—On page 1 in title, between lines 5 and 6 insert: amending s. 196.2001(1)(d), Florida Statutes, 1976 Supplement, granting an ad valorem tax exemption to certain nonprofit sewer and water companies whose rates for services are established by the Farmers Home Administration;

On motion by Senator Spicola, by two-thirds vote CS for SB 58 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gorman	Myers	Thomas, Jon
Castor	Graham	Peterson	Thomas, Pat
Chamberlin	Hair	Plante	Tobiassen
Childers, Don	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Winn
Gallen	MacKay	Skinner	Zinkil
Glisson	McClain	Spicola	

Nays—1

Sayler

By the Committee on Economic, Community and Consumer Affairs and Senator Pat Thomas—

CS for SB 524—A bill to be entitled An act relating to the Florida Uniform Land Sales Practices Law; repealing s. 478.221(1)(b), Florida Statutes, 1976 Supplement, which paragraph provides that the provisions of this chapter do not apply to an offer or disposition of an interest in land pursuant to court order; adding s. 478.221(2)(d), (e), Florida Statutes, 1976 Supplement; providing an additional exemption to the provisions of the Florida Uniform Land Sales Practices Law; providing for annual notification of claim of exemption; adding s. 478.221(3), Florida Statutes, 1976 Supplement; providing that offers or dispositions of an interest in land pursuant to a court order shall not be governed by this law under specified circumstances; providing an effective date.

—was read the first time by title and SB 524 was laid on the table.

On motions by Senator Pat Thomas, by two-thirds vote CS for SB 524 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Graham	Peterson	Thomas, Pat
Castor	Hair	Plante	Tobiassen
Childers, Don	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Dunn	Johnston	Sayler	Wilson
Firestone	Lewis	Scarborough	Winn
Gallen	MacKay	Skinner	Zinkil
Glisson	McClain	Spicola	
Gorman	Myers	Thomas, Jon	

Nays—None

SR 629—A Senate resolution authorizing the sale of obsolete Senate Chamber desks to Senators and former Senators.

—was read the second time in full.

The Committee on Rules and Calendar offered the following amendments which were moved by Senator Gallen and adopted:

Amendment 1—On pages 1 and 2, strike everything after the resolving clause and insert: That upon written request filed in the office of the Senate President not later than June

15, 1977, any current member of the Florida Senate may purchase for the sum of \$90 the obsolete Senate Chamber desk bearing the number of the Senatorial District from which the Senator serves, and may purchase the accompanying chair for the sum of \$65.

BE IT FURTHER RESOLVED that in the event a particular desk is not requested by the current member of the Florida Senate, any former Senator from that district may file a similar request for purchase of that desk and/or chair.

BE IT FURTHER RESOLVED that the President of the Senate shall determine the priority of disposition should there be more than one request by former senators for a particular desk and accompanying chair, and the Senate Sergeant-at-Arms shall deliver the desks and chairs as directed by the Senate President.

Amendment 2—On page 1, strike everything before the resolving clause and insert: A Senate resolution authorizing the sale of obsolete Senate Chamber desks and chairs to Senators and former Senators.

WHEREAS, it has been customary to provide mementos of office and gifts of appreciation to current and former state Senators, and

WHEREAS, upon moving to the new Senate Chamber, the Sergeant at Arms will have on hand as excess furniture, the existing forty small chamber desks, each of which has a fair market value of \$90, and their accompanying chairs, each of which has a fair market value of \$65, and

WHEREAS, the Senate resolves to authorize a current or former member of the Senate, upon his written request, to purchase the desk and/or chair bearing the number of the Senatorial District which he serves or has served, and

WHEREAS, it is desirable that the President of the Senate determine the priority of disposition when more than one request is received for a particular desk or chair, **NOW, THEREFORE**,

On motion by Senator Gallen, SR 629 as amended was read by title, adopted and ordered engrossed. The vote on adoption was:

Yeas—32

Mr. President	Glisson	Poston	Tobiassen
Castor	Gorman	Renick	Trask
Chamberlin	Graham	Sayler	Vogt
Childers, Don	Hair	Scarborough	Ware
Childers, W. D.	Holloway	Scott	Williamson
Dunn	Johnston	Skinner	Wilson
Firestone	Peterson	Spicola	Winn
Gallen	Plante	Thomas, Jon	Zinkil

Nays—1

McClain

Votes after roll call:

Yea—Henderson

Yea to Nay—Chamberlin

SB 1238—A bill to be entitled An act relating to legislative review of programs and functions which regulate a profession, occupation, business, industry and other endeavor; amending sections 3, 4, 8, and 9, chapter 76-168, Laws of Florida, changing the repeal dates of specified chapters in the Florida Statutes; providing legislative review and repeal of the following provisions of the Florida Statutes: chapter 665, the Savings Association Act; chapter 496, the Solicitation of Charitable Funds Act; and part V of chapter 559, relating to consumer collection agencies; deleting part IV of chapter 624, Florida Statutes, (relating to insurance fees, taxes, and funds) from the requirement of legislative review and repeal; changing the time limitations for beginning and completion of review; providing a repeal date for certain future laws; providing an effective date.

—was read the second time by title.

Senators Barron, Myers and Sayler offered the following amendments which were moved by Senator Barron and adopted:

Amendment 1—On page 4, line 14, strike "1981 ~~1980~~" and insert: 1980

Amendment 2—On page 6, line 19, strike "1983 ~~1982~~" and insert: 1982

On motion by Senator Barron, by two-thirds vote SB 1238 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	Peterson	Tobiassen
Barron	Graham	Poston	Trask
Castor	Hair	Renick	Vogt
Chamberlin	Henderson	Sayler	Ware
Childers, Don	Holloway	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Wilson
Dunn	Lewis	Skinner	Winn
Firestone	MacKay	Spicola	
Gallen	McClain	Thomas, Jon	
Glisson	Myers	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Zinkil

SB 920—A bill to be entitled An act relating to actions to abate nuisances; adding s. 60.05(5), Florida Statutes; requiring the state to pay costs to a successful defendant in an action to abate a nuisance brought by certain state officers or agencies where the court finds that there was no reasonable ground for the action; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Poston and adopted:

Amendment 1—On page 1, strike all of line 11 through and including line 20.

Senators Poston and Gallen offered the following amendment which was moved by Senator Poston and adopted:

Amendment 2—On page 2, line 1, after the word "costs" insert: and reasonable attorney fees

On motion by Senator Poston, by two-thirds vote SB 920 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Graham	Peterson	Thomas, Pat
Castor	Hair	Plante	Tobiassen
Chamberlin	Henderson	Poston	Trask
Childers, Don	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Sayler	Ware
Dunn	Lewis	Scarborough	Williamson
Firestone	MacKay	Skinner	Wilson
Glisson	McClain	Spicola	Winn
Gorman	Myers	Thomas, Jon	Zinkil

Nays—None

SB 1120—A bill to be entitled An act relating to sex discrimination in the granting of faculty salaries at state universities; amending s. 241.735(2), (3), Florida Statutes, 1976 Supplement; providing for salary inequality studies to be made on an annual basis; providing that salary increases to female faculty members as a result of such studies be retroactive to the academic year for which the study is performed; requiring the Commissioner of Education to make annual reports of the results of such studies; deleting obsolete provisions; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 1—On page 1, line 29, insert after the word "performed": , and for each university and for each budget entity, such increases shall be the first priority for allocation of salary funds

On motion by Senator MacKay, by two-thirds vote SB 1120 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—86

Mr. President	Gorman	Myers	Thomas, Jon
Castor	Graham	Peterson	Thomas, Pat
Chamberlin	Hair	Plante	Tobiassen
Childers, Don	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Dunn	Johnston	Sayler	Williamson
Firestone	Lewis	Scarborough	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Nays—None

SB 1427—A bill to be entitled An act relating to the non-resident motorists; creating ss. 322.49, 322.50, Florida Statutes; amending ss. 322.45-322.48, Florida Statutes; enacting the Florida Nonresident Violator Compact; authorizing the issuance of traffic citations to nonresidents for certain traffic violations; providing for warrants of arrest; providing for report of failure to comply with traffic citation to the licensing authority of the nonresident motorist's jurisdiction; providing the action to be taken by such jurisdiction when a traffic citation is ignored; providing for the administration of such compact; providing an effective date.

—was read the second time by title.

Senator Poston moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 18 and 19, insert: Section 1. Paragraph (a) of subsection (1) of section 322.09, F.S., is amended to read:

(Substantial rewording of paragraph. See section 322.09 (1)(a), F.S., for present text.)

(1)(a) The application of any person under the age of 18 years for an instruction permit or driver's license shall be signed and verified before a person authorized to administer oaths by the father, mother or guardian, or in the event there is no parent or guardian, then by another responsible adult who is willing to assume the obligation imposed under this chapter upon a person signing the application of a minor. Provided this section shall not apply to a person under the age of 18 years who is emancipated by marriage.

Renumber subsequent sections

Amendment 2—On page 1 in title, line 2, after the word "to" strike "the nonresident motorist;" and insert: motorists; amending s. 322.09(1)(a), Florida Statutes; providing that driver's license applications of persons under the age of 18 shall be signed by the father, mother or guardian;

On motion by Senator Poston, by two-thirds vote SB 1427 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Castor	Gorman	Plante	Tobiassen
Chamberlin	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Dunn	Lewis	Scott	Ware
Firestone	McClain	Spicola	Williamson
Gallen	Myers	Thomas, Jon	Winn
Glisson	Peterson	Thomas, Pat	Zinkil

Nays—3

Childers, Don Johnston Wilson

Votes after roll call:

Yeas—Graham, Hair

By the Committee on Transportation and Senators Trask and Peterson—

CS for SB 1175—A bill to be entitled An act relating to road and bridge districts; amending s. 336.66, Florida Statutes, providing a method for a board of county commissioners to abolish such a district and to assume all liabilities, obligations, and responsibilities thereof; amending s. 336.63(3), Florida Statutes; providing for interest rate limitations upon district special assessments and for the maturity and period of payment of assessments and assessment bonds; providing for powers of the district board of any such district to levy and collect special assessments upon specifically benefited improvements for the payment of outstanding general obligation bonds initially issued for the financing of such improvements; providing an effective date.

—was read the first time by title and SB 1175 was laid on the table.

On motions by Senator Trask, by two-thirds vote CS for SB 1175 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Graham	Peterson	Tobiassen
Castor	Hair	Plante	Trask
Childers, Don	Henderson	Poston	Vogt
Childers, W. D.	Holloway	Saylor	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Thomas, Jon	Zinkil
Gorman	Myers	Thomas, Pat	

Nays—1

Chamberlin

Vote after roll call:

Yea—Spicola

Consideration of SB 1097 was deferred.

SB 1163 was taken up and on motion by Senator Ware, the rules were waived and by two-thirds vote HB 1286 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator Ware—

HB 1286—A bill to be entitled An act relating to professional liability insurers; amending s. 768.55(1), Florida Statutes, (former s. 624.431, Florida Statutes, 1975), providing that insurers be required to report certain information on professional liability policies issued to members of The Florida Bar; providing an effective date.

—a companion measure, was substituted for SB 1163 and read the second time by title.

Senator Ware moved the following amendments which were adopted:

Amendment 1—On page 2, lines 7 and 8, strike all of said lines and insert: Section 2. Section 627.356, F.S., is created to read:

627.356 Professional Malpractice Insurance; self-insurance.—

(1) A group or association of attorneys licensed to practice law in this state, composed of any number of members, is authorized to self-insure against claims of professional malpractice upon a department determination that the full amount of insurance required is not procurable after a diligent effort

has been made to do so from insurers authorized to transact and actually writing this kind and class of insurance in this state and upon complying with the following conditions:

(a) Establishment of a Professional Malpractice Risk Management Trust Fund to provide coverage against professional malpractice liability.

(b) Employment of professional consultants for loss prevention and claims management coordination under a risk management program.

(2) The trust fund is authorized to purchase professional malpractice insurance up to determined limits, specific excess insurance, and aggregate excess insurance as necessary to provide the insurance coverages authorized by this section, consistent with the market availability. The trust fund is further authorized to purchase such risk management services as may be required and pay claims as may arise under any deductible provisions.

(3) The Department of Insurance shall adopt rules to implement the provisions of this section. Such rules shall guarantee the maintenance of a sufficient reserve in the event of the dissolution of any trust fund authorized hereunder so as to cover contingent liabilities.

Section 3. This act shall take effect upon becoming law.

Amendment 2—On page 1, line 8, strike “providing an effective date.” and insert: authorizing groups and associations of attorneys to self-insure against professional malpractice liability upon a department determination that insurance is not procurable from existing insurers; providing for the establishment of a risk management trust fund and the employment of consultants; authorizing the purchase of professional malpractice insurance and risk management services and the payment of claims by the trust fund; requiring the department to adopt rules; providing an effective date.

On motion by Senator Ware, by two-thirds vote HB 1286 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Graham	Plante	Trask
Castor	Hair	Poston	Vogt
Chamberlin	Henderson	Renick	Ware
Childers, Don	Holloway	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Wilson
Dunn	Lewis	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Thomas, Jon	
Glisson	Myers	Thomas, Pat	
Gorman	Peterson	Tobiassen	

Nays—None

SB 1163 was laid on the table.

SB 1234 was taken up and on motion by Senator Trask—

HB 924—A bill to be entitled An act relating to weapons and firearms; amending s. 790.06, Florida Statutes, 1976 Supplement, authorizing boards of county commissioners to adopt by resolution, a uniform policy and procedure for the issuance of licenses to carry pistols; authorizing such boards to refuse to issue licenses when they deem issuance not in the best interests of the public; adding paragraph (o) to s. 790.25(3), Florida Statutes, providing an exception to the weapons and firearms licensing law for investigators employed by public defenders if such investigators meet certain qualifications; providing an effective date.

—a companion measure, was substituted for SB 1234 and read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Trask and failed:

Amendment 1—On page 1, line 25, strike “pistols” and insert: firearms

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Trask and adopted:

Amendment 2—On page 2, lines 9-10, strike "or electric weapon or device"

Senator Trask moved the following amendments which were adopted:

Amendment 3—On page 2, line 7, after "public." insert: The determination of said reasonable criteria in regard to the issuance or denial of a permit shall be based upon the applicant's physical and mental capacity to handle a firearm, the applicant's experience and training in handling a firearm, and the nature of the applicant's employment, occupation, profession, or other activity as it relates to a demonstrated need to carry a firearm.

Amendment 4—On page 2, line 9-10, strike "or electric weapon or device"

Amendment 5—On page 1, line 10, after "public;" insert: providing criteria;

Senator Dunn moved the following amendment which was adopted:

Amendment 6—On page 1, line 23, strike "resolution" and insert: ordinance.

On motion by Senator Trask, by two-thirds vote HB 924 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Barron	Graham	Renick	Trask
Castor	Hair	Saylor	Vogt
Childers, Don	Holloway	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Firestone	McClain	Skinner	Winn
Gallen	Peterson	Spicola	Zinkil
Glisson	Plante	Thomas, Jon	
Gorman	Poston	Thomas, Pat	

Nays—1

Wilson

Votes after roll call:

Yeas—Lewis, Myers

Nays—W. D. Childers, Tobiasen

SB 1234 was laid on the table.

Consideration of SB 395 was deferred.

SB 1237—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.016(2), Florida Statutes, 1976 Supplement, authorizing county sheriff's offices to employ parking enforcement specialists who meet certain Police Standards and Training Commission requirements to perform limited duties; amending s. 943.12(1), Florida Statutes, 1976 Supplement, to conform thereto; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Peterson and adopted:

Amendment 1—On page 2, strike all of line 4 through and including line 7 and insert: Sheriff's office is authorized to enforce all state and county laws governing parking within the boundaries of the county employing the specialist in unincorporated areas by appropriate state and county traffic citation.

On motion by Senator Peterson, by two-thirds vote SB 1237 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Graham	Peterson	Tobiasen
Castor	Hair	Poston	Trask
Chamberlin	Henderson	Renick	Vogt
Childers, Don	Holloway	Saylor	Williamson
Childers, W. D.	Johnston	Scarborough	Wilson
Dunn	Lewis	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Thomas, Jon	
Gorman	Myers	Thomas, Pat	

Nays—None

SB 401—A bill to be entitled An act relating to abortion clinics; providing definitions; providing for licensing and regulation by the Department of Health and Rehabilitative Services; providing for denial, suspension and revocation of licenses; providing administrative penalties; prohibiting certain acts and providing penalties; providing injunctive relief; providing severability; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Lewis and adopted:

Amendment 1—On page 4, lines 22 and 23, strike "between a clinic and a hospital"

Senator Lewis moved the following amendment which was adopted:

Amendment 2—On page 4, line 23, strike "the" and insert: a

On motion by Senator Lewis, by two-thirds vote SB 401 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gallen	MacKay	Thomas, Jon
Barron	Glisson	McClain	Thomas, Pat
Castor	Gorman	Peterson	Tobiasen
Chamberlin	Graham	Plante	Vogt
Childers, Don	Hair	Poston	Williamson
Childers, W. D.	Henderson	Renick	Winn
Dunn	Johnston	Saylor	
Firestone	Lewis	Skinner	

Nays—3

Scarborough Wilson Zinkil

Votes after roll call:

Yeas—Spicola, Trask, Ware

Nay—Myers

SB 587 was taken up and on motion by Senator Johnston, the rules were waived and by two-thirds vote HB 628 was withdrawn from the Committee on Governmental Operations and placed on the calendar. On motion by Senator Johnston—

HB 628—A bill to be entitled An act relating to public business; creating s. 286.24, Florida Statutes, requiring boards, commissions, or authorities of state agencies or of political subdivisions of the state to make their public meetings accessible to the physically handicapped upon request; providing an effective date.

—a companion measure, was substituted for SB 587 and read the second time by title.

Senator Johnston moved the following amendment which failed:

Amendment 1—On page 1, lines 21, 22 and 23, strike "provide a manner by which such person may attend the meeting at its scheduled site" and insert: determine that the scheduled site of the meeting is easily accessible to physically handicapped persons,

On motion by Senator Johnston, by two-thirds vote HB 628 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Graham	Plante	Trask
Castor	Hair	Poston	Vogt
Chamberlin	Fenderson	Renick	Ware
Childers, Don	Holloway	Sayler	Williamson
Childers, W. D.	Johnston	Scarborough	Wilson
Dunn	Lewis	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Thomas, Jon	
Glisson	Myers	Thomas, Pat	
Gorman	Peterson	Tobiassen	

Nays—None

SB 587 was laid on the table.

On motion by Senator Gallen by two-thirds vote, HB 1946 was placed at the end of the Special Order Calendar.

HB 1946—A bill to be entitled An act for the relief of S. M. Rooks, a former employee of the Department of Agriculture; providing an appropriation to compensate him for a permanent disability as a result of an accident during his employment with the department; recognizing his right to receive in line of duty disability retirement benefits; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 1946 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	Peterson	Thomas, Pat
Barron	Graham	Plante	Tobiassen
Castor	Hair	Poston	Trask
Childers, Don	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Sayler	Ware
Dunn	Lewis	Scarborough	Williamson
Firestone	MacKay	Skinner	Wilson
Gallen	McClain	Spicola	Winn
Glisson	Myers	Thomas, Jon	Zinkil

Nays—None

On motion by Senator Scott the Senate reconsidered the vote by which—

HB 924—A bill to be entitled An act relating to weapons and firearms; amending s. 790.06, Florida Statutes, 1976 Supplement, authorizing boards of county commissioners to adopt by resolution, a uniform policy and procedure for the issuance of licenses to carry pistols; authorizing such boards to refuse to issue licenses when they deem issuance not in the best interests of the public; adding paragraph (o) to s. 790.25(3), Florida Statutes, providing an exception to the weapons and firearms licensing law for investigators employed by public defenders if such investigators meet certain qualifications; providing an effective date.

—as amended passed this day.

Senator Scott moved the following amendment which was adopted by two-thirds vote:

Amendment 7—On page 2, line 7, after the word “public” insert: in accordance with the criteria established

HB 924 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Childers, Don	Glisson	Henderson
Barron	Dunn	Gorman	Holloway
Castor	Firestone	Graham	Johnston
Chamberlin	Gallen	Hair	Lewis

MacKay	Poston	Skinner	Vogt
McClain	Renick	Spicola	Ware
Myers	Sayler	Thomas, Jon	Williamson
Peterson	Scarborough	Thomas, Pat	Winn
Plante	Scott	Trask	Zinkil

Nays—2

Childers, W. D. Wilson

Vote after roll call:

Nay—Tobiassen

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 609 and HB 2192 were withdrawn from the Committee on Commerce.

On motion by Senator Gallen, the rules were waived and by two-thirds vote HB 1347 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gallen, by two-thirds vote HB 1213 was withdrawn from the Committee on Rules and Calendar.

INTRODUCTION

By the Committee on Appropriations—

SM 1486—A memorial to the Congress of the United States to request the Congress to direct the Board of Engineers of Rivers and Harbors to review the report of the Chief Engineers on Central and Southern Florida and other pertinent reports.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators W. D. Childers and Tobiassen—

SB 1487—A bill to be entitled An act relating to Escambia County; repealing the Escambia County Electronic Data Processing Management Act, chapter 67-1373, Laws of Florida, and all amendments thereto; providing for the transfer of all the assets of the Escambia electronic data processing management board to the school board of Escambia County; providing for the assumption of all liabilities and obligations of the Escambia electronic data processing management board by the school board of Escambia County; providing for the transfer of all employees of the Escambia electronic data processing management board to employment by the school board of Escambia County; providing for the continued contribution to employee pension and insurance plans; providing for continued utilization of the data processing equipment by all agencies; providing for the creation of the Electronic Data Processing Advisory Board; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator W. D. Childers—

SB 1488—A bill to be entitled An act relating to the City of Pensacola; amending sections 5-8, 10, 11, 14, of chapter 63-1775, Laws of Florida, as amended; providing that special meetings of the Board of Civil Service of the City of Pensacola may be called by any member and that such meetings are public; specifying a quorum; requiring the concurrence of a majority of the board for any order, judgment or decision; providing that the attorney for the board assist the board in the performance of its duties and act as hearing officer; authorizing the board to select a director, rather than a secretary, and providing for his term and duties; authorizing the board to employ a staff; authorizing the board to utilize classified service employees from the personnel department; requiring the city to provide the board with offices; providing for the in-

clusion in the budget of the city of money for salaries of board employees and for office expenses; authorizing the director and staff of the board to participate in the general pension and retirement fund; providing that the attorney, director, and staff of the board are not under the administrative service of the city; deleting provisions relating to restrictions on employment, on membership in the classified service of the city, on participation in the general pension and retirement fund, and on eligibility for retirement; providing for an applicant's or employee's right to a hearing before the board for arbitrary treatment or discrimination; repealing section 9 of chapter 68-1775, Laws of Florida, relating to terms of office of the secretary and attorney of the board; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Gorman and Plante—

SB 1489—A bill to be entitled An act relating to the Greater Orlando Aviation Authority; amending section 5, chapter 57-1658, Laws of Florida, as amended; providing procedures for the design and construction of new permanent facilities or major additions to existing facilities; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator MacKay—

SB 1490—A bill to be entitled An act relating to Lafayette County, district school board; authorizing the issuance of certificates of indebtedness payable from racetrack funds accruing annually to Lafayette County; providing for use of the proceeds; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator W. D. Childers—

SB 1491—A bill to be entitled An act relating to Escambia County, Florida; amending Chapter 76-370, Laws of Florida, providing for a system of personnel administration for classified employees of the County of Escambia including noninstructional employees of the District School Board; defining purpose of act, composition of Board; authorizing a staff; identifying classified and unclassified service; defining duties of the board, status of present and future employees; providing for a classification plan; authorizing unlimited number of positions; providing for various leaves and holidays; setting standards for personnel selection; ensuring employees the right to participate in activities of employee organizations; outlining the appointment process; permitting transfers; providing for suspensions and dismissals for cause, investigations and hearings; mandating certain prohibitions; authorizing a pay plan; providing a penalty for violations; requiring reports of personnel actions, annual reports and inspection of public records of the board; requiring the Board of County Commissioners to fund system and provide facilities; defining certain terms; providing severance and savings clause; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

CO-INTRODUCERS

Senator Trask—SB 900; Senator Pat Thomas—SB 1120

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 27 was corrected and approved.

The Journal of May 26 was corrected and approved as follows: Page 536, from bottom of column 1, line 18, strike "H" and insert: S Page 551, column 2, line 8, strike "22" and insert: 232

On motion by Senator Plante, the Senate adjourned at 4:20 p.m. to convene at 9:00 a.m., May 31.